

**Agenda**  
**October 6, 2020**

**REGULAR MEETING OF TOWN OF COLUMBUS**  
**BOARD OF PLANNING AND ADJUSTMENT**

**RULES FOR PERSONS ADDRESSING BOARD MEMBERS**

1. Each speaker will identify himself or herself by giving his or her **name and place of residence**.
2. Each speaker will be limited to speaking one time on any topic. When you are finished speaking, please step away from the podium and be seated.
3. Each speaker will be limited to **three (3) minutes** and each group's representative will be limited to a **maximum of ten (10) total minutes**. Each group is encouraged to designate a single spokesperson for their group.
4. Each speaker will confine himself or herself to the general question before the Council and avoid irrelevant comments.
5. Each person entering the Council Chamber will wear a mask until they get to their seat.

**PUBLIC MEETING**  
**(6:00 PM)**

**Planning Board**

1. Planning Board Call to Order
  2. Roll Call
  3. Approval of the minutes of the September 1, 2020 Planning Board Meeting
  4. Consideration of Approving the Comprehensive Plan and Recommending to the Town Council.
  5. Appearance of Dale Holland and Landin Holland Regarding the Development of the Unified Development Ordinance
  6. Consideration of Certain Proposed Revisions to the Town's Outdoor Lighting Policy
  7. Board Member Comments
  8. Adjourn
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**COLUMBUS PLANNING BOARD & BOARD OF ADJUSTMENTS**  
**Minutes of Regular Meeting**  
**Tuesday, September 1, 2020**

The Town of Columbus Planning Board and Board of Adjustments met on Tuesday, September 1, 2020 at 6:00 p.m. in the Columbus Town Hall Council Chambers.

**Roll Call:** Catherine Elliott, Chair  
Virginia Green  
Jimmi Buell  
Ernie Kan, Alternate Member  
Mark Blanton, Alternate Member

**Staff Present:** Timothy J. Barth, Town Manager  
Shana Atkins, Assistant Town Clerk

The meeting was called to order at 6:00 p.m. A roll call was taken, and the chairman acknowledged all present except Marshall Watkins and Kathleen Nowakowski.

**Public Comment**

There were no public comments.

**Consideration of Minutes of the August 4, 2020 Planning Board Meeting and the August 18, 2020 Special Called Joint Meeting with the Columbus Town Council.**

Mr. Blanton made a motion to approve the August 4, 2020 Planning Board minutes and the August 18, 2020 Special Called Joint Meeting with the Columbus Town Council minutes as written. Ms. Buell seconded, and the motion carried unanimously.

**Introduction of Certain Proposed Revisions to the Town's Outdoor Lighting Policy**

Mrs. Elliott stated that the lighting ordinance is a part of the Town's zoning ordinance and that some suggestions have been made to revise the current outdoor lighting requirements. Mrs. Elliott asked all Planning Board members to read the suggested changes to the ordinance so it can be discussed at the next meeting.

Mrs. Elliott stated that Duke Energy plans to implement a transition plan to replace all lighting fixtures that are out of compliance with the Town's ordinance over a period of the next five years. Mrs. Kan stated that a lot of people did not want streetlights because they wanted to see the night sky. Mrs. Elliott stated that there are height limits to some streetlights that will still allow the view of the night sky. Mr. Barth stated that if the Planning Board wants to approve the revised outdoor lighting ordinance then a copy will need to be sent to Dale Holland to be include in the Unified Development Ordinance (UDO).

**Board Member Comments**

Ms. Buell asked why the Food Lion Shopping Center was permitted to be out of compliance with parking requirements. Mr. Barth stated that the shopping center was already out of compliance before a section of the property was sold to develop. Mr. Barth stated that he was not sure if the shopping center was built before the Town's parking requirements were in place. Mrs. Kan

stated that the property was grandfathered in when parking requirements were changed, but when a section of the parking lot was sold the company is no longer grandfathered in. Mr. Barth stated that the shopping center would not be able to create enough spaces even if a section of the parking lot wasn't sold because the parking lot was still 37 spaces short.

Mrs. Elliott stated that she received a letter from Kathleen Nowakowski submitting her resignation to the Planning Board. The Planning Board members thanked Kathleen Nowakowski for all her years of service to the Town of Columbus.

Mrs. Elliott stated that Dale Holland will be at the October 6, 2020 Planning Board meeting to discuss the Comprehensive Plan. Mr. Barth stated that the board will receive the most recent draft of the Comprehensive Plan in the coming weeks for review. Mr. Barth stated that Mr. Holland will review the Plan with the board and discuss the UDO process. Mrs. Elliott stated that the UDO is going to simplify and consolidate the current zoning ordinances. Mr. Barth stated that the Comprehensive Plan must be completed by 2022.

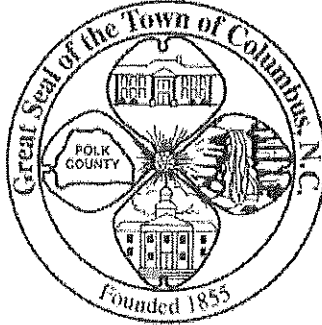
There being no other business to discuss Ms. Buell made a motion to adjourn. Mr. Blanton seconded, and the meeting was adjourned at 6:34 PM.

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Catherine Elliott, Chairman

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Shana Atkins, Assistant Town Clerk



## MEMORANDUM FOR PLANNING BOARD MEETING

To: Columbus Planning Board  
From: Timothy J. Barth, Town Manager  
Re: Consideration of Approving the Comprehensive Plan and Recommending to the Town Council  
Date: October 6, 2020

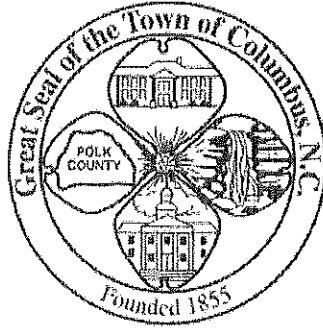
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### Background

A revised draft of the comprehensive plan was sent to you on September 17 with all of the changes that were brought up at the two workshops that were held with the Town Council. Dale Holland and Landin Holland will be there to answer any questions.

If you did not get the copy of the revised Comprehensive Plan please let me know. Also, if you want a printed version of the plan, bring your notebook to Town Hall and we will print one out for you and put it in your notebook.

If you have questions or concerns, please do not hesitate to contact me.



## MEMORANDUM FOR PLANNING BOARD MEETING

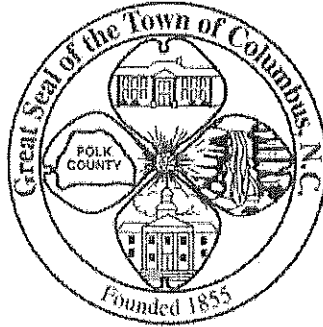
To: Columbus Planning Board  
From: Timothy J. Barth, Town Manager  
Re: Appearance of Dale Holland and Landin Holland Regarding the Development of the  
UDO (Unified Development Ordinance)  
Date: October 6, 2020

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### Background

Dale Holland and Landin Holland will appear to present information on the development of the UDO (Unified Development Ordinance). The Unified Development Ordinance will take the seven or 8 land development ordinances that are currently in place and boil them down into one large unified development ordinance.

If you have questions or concerns, please do not hesitate to contact me.



## MEMORANDUM FOR PLANNING BOARD MEETING

To: Columbus Planning Board  
From: Timothy J. Barth, Town Manager  
Re: Consideration of Certain Proposed Revisions to the Town's Lighting Ordinance  
Date: October 6, 2020

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### Background

This was introduced at the September 1 meeting. The person who wrote this amendment is named John Diekmann. He is a retired man who lives in Tryon, however, when the coronavirus pandemic began he went to be closer to his children in California and does not plan to be back in this area until March 2021.

I gave a copy of the attached revisions to a Duke Energy employee, and I will report what he says at the meeting.

If you have questions or concerns, please do not hesitate to contact me.

## § 154.107 OUTDOOR LIGHTING.

(A) *Intent and purpose.* Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision and comfort, night time use and enjoyment of property, reduce light pollution and not create or cause excessive glare on adjacent properties and street rights-of-way.

(B) *IESNA cutoff classifications.* The following descriptions are designed with minimal word modifications to provide non-technical clarity. See the appendix for diagrams of these cutoff classifications.

(1) *Full cutoff.* A fixture (luminaire) light distribution where no light intensity (zero candela) is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at or above an angle ten degrees below that horizontal plane, at all lateral angles around the fixture.

(2) *Cutoff.* A fixture light distribution where no more than 2.5% of a lamp's light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at or above an angle ten degrees below that horizontal plane, at all lateral angles around the fixture. Cutoff fixtures are prohibited in the Town of Columbus.

(3) *Semi-cutoff.* A fixture light distribution where no more than 5% of a lamp's light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 20% of the lamp's light intensity is emitted at or above an angle ten degrees below that horizontal plane, at all lateral angles around the fixture. Semi-cutoff fixtures are prohibited in the Town of Columbus.

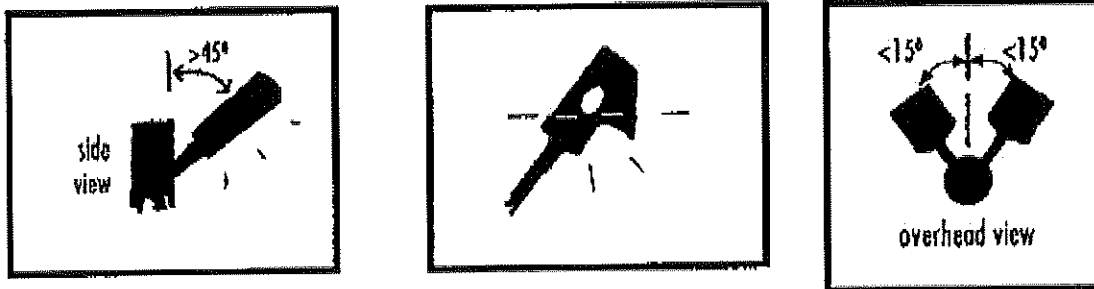
(4) *Noncutoff.* A fixture light distribution where there is no light intensity limitation in the zone above the maximum distribution of light intensity. Non-cutoff fixtures are prohibited in the Town of Columbus.

(C) *Light measurement technique.* Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus 5%. Measurements shall be taken with a light meter that has been calibrated within the previous two years. Light levels are specified, calculated and measured in footcandles (FC). All FC values are maintained footcandles unless specified otherwise. See the definition for maintained footcandles in §§ 154.004 and 154.005 above for maximum allowed light loss factors.

(D) *General standards for outdoor lighting.*

(1) A lighting plan shall be provided for review and must be approved prior to the issuance of the building permit. The lighting plan shall demonstrate a consideration for reduced energy consumption through the selection of energy efficient fixtures which avoid intrusive lighting onto adjacent property and/or discharge of upward and scattered light. All exterior light fixtures shall be classified as providing full cutoff light distribution.

(2) Unless otherwise specified in the following divisions, the maximum light level shall be one-half maintained footcandle maintained at any property line in a residential district, or on a lot occupied by a dwelling, congregate care or congregate living structure, unless otherwise approved by the town. All flood lights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical. These lights shall be positioned such that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way. The Zoning Administrator may require shields to be installed on floodlights before, during or after the installation when needed to further reduce lighting trespass, glare and light pollution. Flood lights shall not be aimed at residential property, which property shall be construed to mean that property which contains one or more residential uses and is occupied by either the owner of the property or the renter or lessee of the property. Flood lights are prohibited in the Town of Columbus except as deemed necessary for sporting events or approved by town council. Existing Duke Energy owned flood lights and dusk to dawn security lights that do not meet the requirements of this ordinance shall be transitioned to acceptable fixtures as laid out in a five-year transition plan with Duke Energy. This plan states that Duke Energy will implement a transition plan to replace all lighting fixtures that are out of compliance with this ordinance over a period of the next five years. Residential flood lamps with a maximum lumen of 1,200 and angled down by 60 degrees or less are allowed. Lamps shall be aimed such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way. Residential fixtures that do not meet the lighting code shall be brought into compliance at the time of repair and/or end of life of existing fixture, or if complaints are issued by adjacent land owners.



(3) All flood lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal or shielded shall not exceed 1250 fixture lumens, must be shielded and aimed at least 60 degrees down from horizontal such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.

(4) All wall pack fixtures shall be full cutoff fixtures and mounted no higher than 15 feet above ground level.

(5) All fixtures installed for the purpose of illuminating public or private streets shall be full cut-off and shall comply with the standards of this section. LED lighting shall be restricted to 3000 kelvin.

(6) The lighting plan shall demonstrate a consideration for reduced energy consumption



through the selection of energy efficient fixtures.

(7) All site lighting including security down to dusk fixtures shall be full cutoff, not to exceed 4500 lumens, with a mounted pole height not to exceed 15 feet above finished grade. With the exception of essential all-night security lighting, the plan shall demonstrate lighting reduction procedures, implemented using timers or other methods (such as fixtures that automatically change wattage lumen output). The lighting reduction shall be active between approximately ~~12:00-midnight~~ 10:30 PM and dawn. Commercial businesses will begin lighting reduction procedures within 1 hour of their closing time or by midnight, whichever comes first. For 24-hr commercial activities, this requirement may be adjusted by approval of the Town Council.

(8) Hazardous or emergency situational lighting (lighting for emergency vehicles, or lighting temporarily set up for emergencies shall be exempt.

(9) All LED lighting shall meet the B-U-G ratings noted in the applicable subsections and comply with all other applicable requirements, and shall also meet the following standards:

- (a) The LED correlated color temperature (CCT) shall not be higher than 3000 K (Kelvin degrees).
- (b) The maximum number of fixture lumens shall not exceed 4500 in residential districts and no more than 18,000 lumens in non-residential districts or for legal non-residential uses in residential districts, unless otherwise allowed or exempted.

(E) *Lighting in outdoor areas (residential and non-residential).*

(1)(a) Other than ~~flood lights and~~ flood lamps, all outdoor area and parking lot lighting fixtures of ~~more than 2,000 lumens~~ shall be full cutoff fixtures, or comply with division (E)(4) below. Any street lighting located in areas considered as "steep slope" as defined in the town's Steep Slope Ordinance, shall be full cutoff fixtures.

(b) The mounting height of all pole mounted outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting shall not exceed 15 feet above finished grade, unless approved by the Town Council as having no adverse effect.

(c) Dusk-to-dawn open bottom security lights, even if privately owned, shall be fully shielded so as to provide a full cutoff lighting distribution. The Town of Columbus shall enter into a five year transition plan with Duke Energy to replace all dusk to dawn security lighting including Duke Energy flood lights that do not currently meet the town requirements'. All dusk to dawn street lighting should make the transition to acceptable full cutoff fixtures using either low sodium or LED lighting rated at no more than 3,000 kelvin temperature.

(d) Security lighting for open parking facilities: For lighted parking lots the minimum light level shall be no less than 0.2 footcandles. The minimum light level requirements vary depending on the activity classification. The specified minimum FC value above 0.2 FC as outlined in the following table means that the lowest light level point or location in the parking lot must not exceed the minimum stated FC value in the table (i.e. 0.9 FC for large shopping centers). An average to minimum uniformity ratio of 4:1 means that the average FC to minimum FC ratio cannot be worse (higher) than 4:1. No place in any parking area in any zone may exceed a maximum footcandle reading of 5 times the minimum footcandle reading for that zone. See the following table.

<i>Security Light Levels for Open Outdoor Parking Facilities*</i>		
<i>Use/Task</i>	<i>Maintained Footcandles</i>	<i>Uniformity Avg/Min</i>
Parking, residential, multi-family (1) Low to medium vehicular/pedestrian activity	Range from 0.2 Min to 0.6 Min	4:1
Parking, industrial/commercial/ Institutional/municipal High activity, i.e. large shopping centers/fast food facilities, major athletic/civic cultural events Medium/low activity, i.e. community shopping, office parks, hospitals, commuter lots, cultural/civic/recreational events, residential neighborhood shopping, industrial employee parking, schools, church parking	0.9 Min  Range from 0.2 Min to 0.7 Min	4:1  4:1
* Source: IESNA 8th Edition Lighting Handbook; Modification: Medium and Low Activity Level recommendations have been combined.		
Notes:		
1. Illumination levels are horizontal on the task, e.g. pavement or area surface.		
2. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio. For example, for commercial parking medium/low activity, the average footcandles shall not be in excess of 2.8 (0.7 x 4).		
3. A low/medium activity can be reclassified upward when appropriate and only with town Planning Department approval.		
4. Examples of lighting measurements taken during the development of this chapter are provided in the appendix.		

(2) Exceptions:

(a) ~~Non-cutoff decorative post-mounted fixtures may be used but must be equipped with a solid top and an internal polished aluminum top reflector shield to direct the light downward~~ Decorative post mounted fixtures must meet the full cutoff classification unless considered grandfathered by the town council. Any replacements must be brought to code. ~~or meet the cutoff classification.~~ Mounting heights of 18 feet or less above ground are allowed when the maximum initial lumens generated by each fixture does not exceed 9,500 initial lamp lumens and if LED 3000 Kelvin.

~~1. All metal halide, mercury vapor, fluorescent, induction, white high pressure sodium and color improved high pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.~~

~~2. All metal halide solid top decorative post fixtures equipped with a medium base socket must use an internal refractive lens, a diffusing panel (lens) or a wide body refractive globe as described in § 154.005.~~

(b) Temporary lighting for special events of short duration. Typically these are low wattage or low voltage applications for public festivals, celebrations and the observance of holidays, carnivals and celebrations. Portable (non-permanent) internally-illuminated signs come under this classification and, as such, can be used for up to 30 days only.

(c) Airport lighting controlled by the Federal Aviation Administration (FAA).

(d) Lighting of the United States of America and state flags and other flags or insignia of

any governmental, non-profit or business organization.

(F) *Lighting for vehicular canopies.* Areas under a vehicular canopy shall have an average maximum horizontal illuminance of 24 20 maintained footcandles (FC). Areas outside the vehicular canopy shall be regulated by the standards of division (E) above. Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or both of the following: Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy that provides a full cutoff or fully-shielded light distribution. Surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.

(G) *Outdoor sports field /outdoor performance area lighting.*

(1) The mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed 80 50 feet from finished grade unless approved by the town Zoning Board of Adjustment.

(2) All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices).

(3) The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area. The maximum light level shall be one-half maintained footcandles at any property line in a residential district, or on a lot occupied by a dwelling congregate care or congregate living structure.

(4) Non-conforming fixtures lighting sports fields may be replaced or otherwise changed if no more than 30% of the existing non-conforming fixtures are replaced or changed. However, if more than 30% of the existing non-conforming fixtures are replaced, then all the fixtures must be brought into compliance with the requirements of these lighting standards.

(5) The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the event.

(6) The maximum number of fixture lumens shall not exceed 38,600 lumens for sports courts and 121,000 lumens for sports fields and outdoor performance areas.

(H) *Natural recreation areas.* These locations are intrinsically dark landscapes at night. These areas include state and national parks, conservation areas, natural recreation areas and areas adjacent to optical astronomical observatories. These places are used for camping and the like, where a naturally dark environment is desired and are designated by the town.

(1) Light reduction procedures begin at approximately ~~12:00 midnight~~ 10:30 PM with limited essential safety and security lighting.

(2) All fixtures shall be full cut-off fixtures using either low sodium or LED lighting rated at no more than 3000 Kelvin temperature.

(I) *Lighting of outdoor display areas.* The following provisions apply to outdoor display areas except for car dealership parking lots, as specified in division (I)(4) below.

(1) Parking lot outdoor areas shall be illuminated in accordance with the requirements for division (f) above. Outdoor display areas shall have a maximum average maintained illuminance of 24 20 maintained footcandles.

(2) All light fixtures shall meet the IESNA definition of cutoff fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within 25 feet of any public street right-of-way. Alternatively, directional fixtures (~~such as floodlights~~) may be used provided they shall be aimed in accordance with divisions (D)(2) and (3) above.

(3) The mounting height of outdoor display area fixtures shall not exceed 15 feet above finished grade.

(4) For car dealership parking lots, the following provisions shall apply.

(a) Full cutoff fixtures shall be used.

(b) Mounting heights: Up to a maximum of 15 plus two-foot raised base for parking areas as needed.

(c) Lighting at the plane defined by the row of car bumpers closest to the street right-of-way may not exceed a maximum average maintained illuminance of 24 20 footcandles.

(d) Lighting in the non-display area of the parking lot after hours shall be no higher than seven FC average maintained.

(e) After normal business hours, lighting in the display area must be turned off or illuminated at an average maintained illuminance not to exceed 7 footcandles.

(5) The use of klieg lights or search lights for the purpose of advertising sales or grand openings shall not be allowed.

(J) *Lighting of buildings.*

(1) Lighting fixtures shall be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building facade, plantings and other intended site features, and away from adjoining properties and the public street right-of-way.

(2) Illumination on any vertical surface or angular roof shall not exceed five FC average maintained.

(3) To the extent practical and where possible, lighting fixtures shall be directed downward rather than upward.

(4) When upward aiming is used, placement of low wattage lumen fixtures with shields (as needed) close to the building to graze the facade is required to minimize reflected light from windows and other surfaces. The Planning Department can waive this requirement in rare and unusual cases if it is demonstrated that the physical location of light fixtures close to the building to accomplish this design is not possible.

(K) *Permanent sign and billboard lighting.*

(1) Lighting fixtures illuminating signs and billboards shall be aimed and shielded so that direct illumination is focused exclusively on the sign. Externally lighted signs shall be lighted from the top of the sign downward. The Planning Department can waive this requirement in rare and unusual cases if it is demonstrated that the physical location of light fixtures for top down aiming is not possible. The maximum watts permitted to illuminate a sign are determined by multiplying the sign face area by two watts per square foot. For additional guidance, see the sign

section of the town Zoning Ordinance. Exception: signs less than seven feet (two meters) in height above grade may be illuminated by ground mounted uplighting not exceeding 100 lamp watts per sign face.

(2) Light-Emitting Diode (LED) billboards and/or other permanent signs shall be prohibited. Exception: Those signs which are allowed by § 154.112(G) below. Note: Refer to division (E)(5)(b) above regarding portable internally illuminated signs.

(L) *Holiday/festive lighting.* Holiday/festive lighting is allowed provided it complies with the definition outlined in section (c). The connection of multiple holidays and/or festive events over a number of weeks and/or months is not permitted. Lamps below seven watts are exempt and have no restrictions on use.

(M) *Walkways, bikeways and parks (sections to be lighted).*

(1) *General.* The walkway, pathway or ground areas that are to be lighted shall be illuminated to a level of at least 0.2 and no more than one-half average horizontal maintained footcandles.

(2) *Driveway lighting.* Non-cutoff decorative or non-decorative post lighting shall be allowed when located at the end of a residential driveway. Typically this type of driveway light is installed at the end of the drive for purposes of providing security to the residents of the dwelling. However, the driveway light shall not use a light bulb that uses energy at a rate higher than 60 watts.

(N) *Landscape lighting.* All landscape and residential facade lighting systems shall employ shielded directional luminaires not to exceed 40 lamp watts. The luminaires shall be aimed such that the light source cannot be seen from any reasonable viewing point on an adjacent property.

(O) *Permitting and approval process.* A permit shall be required for work involving outdoor lighting for commercial, office, industrial and institutional projects with a gross floor area of more than 5,000 square feet, residential projects of more than six units consisting of non-single-family detached dwellings, all major subdivisions, all vehicular canopies, and all outdoor display areas.

(1) The applicant for a permit shall submit the appropriate supporting documentation at the time the application is submitted for review. The documentation submitted shall include, but not be limited to the following, all or part of which may be part of, or in addition to, the information required elsewhere in this chapter, and by the policies and procedures established by the town:

(a) A lighting plan to scale that shows a point-by-point footcandle array on a 10 feet by 10 feet grid in a printout format indicating the location and aiming of illuminating devices. The printout shall include a summary table to indicate compliance with the average maintained and minimum footcandles and average to minimum uniformity ratios. FC point values in the appropriate areas to determine light trespass compliance is also required. The lighting plan shall include as a minimum an arrangement of the subject outdoor lighting, a fixture schedule detailing the mounting height and technique, fixture type, bulb type and wattage, controls, lenses and the like. The lighting plan shall demonstrate a consideration for reduced energy consumption through the selection of energy efficient fixtures as well as the implementation of the stated lighting practices as outlined throughout this chapter; and

(b) A point-by-point photometric footcandle array created from industry recognized lighting software systems and/or manual calculations created by a professional engineer, lighting

certified professional, vendor or an individual that possesses the skills to perform the calculations. Methods used for calculating the lighting footcandle levels shall be indicated in the application documentation. The footcandle array shall be provided in a hard copy printed format indicating the location and aiming of all applicable illuminating devices covered under the subject application based on the site and/or building arrangement plan complete with consideration of adjoining properties and roadways. Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, Hood light and the like]).

(2) Projects that are not required to submit items identified in this division (O) are still subject to comply with the provisions of this chapter and may be required to provide this information upon request.

(3) The Town Zoning Administrator or his or her designee may modify and/or waive any part(s) of the above referenced permit requirements, provided the applicant can otherwise demonstrate compliance with this code. Note: An example of this provision might be where a contractor or utility repeatedly installs the same lighting equipment on different projects in the town. One submittal containing the specification sheets of a particular group of fixtures may be sufficient for the Planning Department to modify the project requirement and require that only the other provisions of the ordinance be met since the fixture specification provisions have already been met. This modification would conserve town personnel and lighting supplier/installer resources.

(P) *Nonconformities.*

(1) Any lighting fixture lawfully in place or approved by the town prior to the adoption of this chapter shall be exempt from these requirements.

(a) At the time that a non-conforming fixture is replaced, moved, upgraded or otherwise changed, the fixture must be brought into compliance with the requirements of this chapter.

(b) Any expansion of, or addition to, an existing lighting system must conform to the requirements of this chapter.

(2) All dusk to dawn utility type lights installed prior to this ordinance dated . . . ., will be exempted from full cutoff requirements for up to five years from this date. After five years, all such lights shall be discontinued, removed or made to conform to the provisions of this ordinance.

(3) All utility owned flood lights installed prior to [insert effective date here] will be exempted from the prohibition on flood lights for up to five years from this adoption date. After five years, all such lights shall be discontinued, removed or replaced with conforming fixtures. Existing floodlights that are privately owned may continue to be used provided the light fixture is angled down and/or shielded so that it produces a full cutoff distribution until time of fixture change, or if complaints are issued by adjacent land owners.

(4) Routine maintenance, including changing the lamp, ballast, starter, photo control, lens and other required components, is permitted for all existing fixtures. When the fixture housing is changed, the fixture must come into compliance.

(5) Should the property owner fail to bring the lighting system into compliance, the property owner shall be subject to the civil penalties set forth in subsection .....

(a) Appeals. Appeals regarding the interpretation or application of this ordinance may be taken to the board of adjustment in the manner provided in article VI.

(3 6) (a) Vehicular canopies do not qualify for the exemption for non-conforming structures described in division (P)(1) above and shall have five years from the adoption date of this chapter to bring the outdoor lighting into compliance. If a major renovation of the canopy (25% or more of the existing light fixtures) occurs at this facility prior to the expiration of the five-year term, the earlier date will apply regarding compliance.

(b) Property owners that install lighting fixtures after the effective date of this chapter and are found to be in non-compliance shall receive written notification according to this chapter.

(4) See division (G)(4) above for nonconformity provisions for outdoor sports fields and performance areas.

(Q) *Effective date.* The regulations of this section shall become effective on the date specified by the Town Council upon adoption.  
(Ord., Art. XI, § 1112, passed - -)