

Ordinance ORD2012-10

AN ORDINANCE to amend The Code of the Town of Ashland, Chapter 21, "Zoning", Article XXV, "Supplemental Regulations," Sec. 21-266. "General lighting standards."

The purpose of this ordinance is to amend the general lighting standards by adding requirements for compliance with lighting standards, establishing a list of prohibited outdoor lighting applications, establishing a list of lighting applications that are exempt from the ordinance, adding regulations for outdoor lighting plans and alterations to previously approved outdoor lighting plans, and establishing criteria and conditions for administrative exceptions to outdoor lighting requirements.

WHEREAS, the Town Council has held a public hearing on the 20th day of November 2012, advertised as required by Virginia Code Section 15.2 – 2204.

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Ashland, Virginia that Section 21-266 "General lighting standards" shall be amended to read, as follows:

Sec. 21-266. General lighting standards.

The following general standards shall apply to all outdoor lighting provided for uses that are subject to the site plan requirements of Article XVII of this chapter. In addition to the following, all outdoor lighting shall comply with the standards and guidelines contained in the Development Guidelines Handbook. Lighting standards shall be indicated on all site plans in sufficient detail to determine compliance with the provisions of this section. (See Article XX for sign lighting provisions).

~~Exceptions may be made to this section to allow for pedestrian scaled lighting in the public right-of-way for security purposes. Exceptions may be granted when the applicant or property owner submits, in writing to the planning director, a request for an exception from this section, and when the planning director finds such exception is necessary to alleviate safety and security concerns. No exception shall be granted for any light fixture that creates glare on adjacent properties or is not of a sharp cut-off design.~~

~~(a) Continuation of nonconforming uses. Any existing luminaire or lighting installation used for outdoor lighting in any zoning district that does not presently comply with the requirements of this ordinance will be considered a non-conforming use. Except as set forth in sections (b) and (c), such nonconforming uses may be continued.~~

~~(a) Light to be confined to the premises. All lighting used to illuminate outdoor areas shall be located, directed or shielded so as not to shine directly or create glare on adjacent properties or streets, and so as to confine all direct light rays entirely within the boundaries of the property on which they are located. All lighting visible from streets and from properties in RR-1 and residential districts shall be of a sharp cut-off design in a fixed position which orients the light downward and prevents glare, and all lighting of parking areas and drives shall be confined within such area. Lighting of outdoor features from below shall be provided with deflector shields to accomplish the intent of these provisions.~~

~~(b) Criteria requiring compliance with certain sections or removal. Any nonconforming luminaire or light installation existing on any zoning lot must comply with the requirements of sections (d), (e), (f), (g), (h), and (i) or must be removed within 30 days if any of the following criteria are met:~~

- ~~1. The height or location of the luminaire is changed; or~~
- ~~2. The supporting structure for the luminaire is changed or replaced except if it is part of a parking lot lighting installation consisting of an array of three (3) or more identical luminaires and poles or supporting structures; or~~
- ~~3. The luminaire is producing glare that is deemed by the town to create a hazard or nuisance.~~

~~(c) Criteria requiring full compliance or complete removal. In the event any of the following criteria are met:~~

1. A cumulative total of twenty-five (25) percent or more of the non-conforming luminaires or their supporting structures are changed, replaced (excluding routine maintenance and bulb replacement of equal light output), or relocated; or
2. A principal structure on said zoning lot is expanded by an amount equal to or greater than twenty-five (25) percent of the total square footage of the structure immediately prior to such expansion.

~~(b)~~(d) Lighting intensity and fixture height. The intensity of outdoor light shall be no greater than shown on the approved site plan, and in no case greater than one-half (1/2) footcandles above background lighting at the property line. Outdoor lighting fixtures shall not exceed twenty (20) feet in height.

(e) Outdoor dynamic display. The luminance for any outdoor dynamic display shall not exceed 5000 Nits during daylight hours or 150 Nits at all other times. Brightness must be measured from the brightest element of the sign's face. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set so that it will not exceed the luminance levels for day and night.

(f) Light to be confined to the premises. All lighting used to illuminate outdoor areas shall be located, directed or shielded so as not to shine directly or create glare on adjacent properties or streets, and so as to confine all direct light rays entirely within the boundaries of the property on which they are located. All lighting visible from streets and from properties in RR-1 and residential districts shall be of a sharp cut-off design in a fixed position which orients the light downward and prevents glare, and all lighting of parking areas and drives shall be confined within such area. Lighting of outdoor features shall be provided with deflector shields to accomplish the intent of these provisions.

~~(e)~~(g) Reduction to minimum level necessary for security. All exterior lighting shall be reduced to the minimum level of intensity for security purposes during the nonbusiness hours of all business and industrial uses.

(h) Prohibited outdoor lighting. The following outdoor lighting applications are prohibited in all zoning districts:

1. The use of laser light source;
2. The use of flickering, flashing, blinking, scrolling, or rotating lights and any illumination that changes intensity;
3. The use of upward directed lighting, except as otherwise permitted herein;
4. The use of searchlights;
5. Any luminaire creating glare that is deemed by the Town to create a hazard or nuisance.

(i) Exempt outdoor lighting. The following outdoor lighting applications are exempt from all requirements of this ordinance:

1. Underwater lighting used for the illumination of swimming pools and fountain;
2. Lighting required by county, state, or federal law;
3. Temporary lighting used for holiday decoration;
4. Portable lighting temporarily used for maintenance or repair that is not deemed by the town to create a hazard or nuisance;
5. Emergency lighting used by police, firefighting, emergency management, or medical personnel at their discretion as long as the emergency exists;
6. Lighting approved by the town for temporary events such as carnivals, circuses, festivals, picnics, fairs, civic events, and exhibitions; and
7. Temporary lighting required for road construction or other public improvements.

(j) Plan submission. For subdivision and land-development applications where outdoor lighting is required or proposed, lighting plans shall be submitted to the town for review and approval as set forth in Article XVII of this chapter.

(k) Post-approval alterations. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the town for review and approval, with all plan submission requirements set forth within this ordinance, prior to installation.

(l) Right of inspection. The town shall have the right to conduct a post-installation inspection to verify compliance with the requirements of this ordinance and, if appropriate, to require remedial action at the expense of the applicant.

~~(d)~~(m) Exceptions to lighting standards. Exceptions to the standards within this section may be granted for athletic field lighting in the Higher Education, HE District, with a conditional use permit for each individual athletic field, subject to the following criteria:

1. An outdoor luminaire, or system of outdoor luminaires, required for an athletic facility cannot reasonably comply with the standard and provide sufficient illumination of the facility for its safe use, as determined by recommended practices adopted by the Illuminating Engineering Society of North America for that type of facility and activity, or other evidence if a recommended practice is not applicable.
2. Sufficient renderings, including, but not limited to, photometric drawings, luminaire cutsheets, and renderings depicting the impact of the proposed lighting, shall be provided with the application.

(n) Exceptions. The planning director may grant administrative exceptions only in cases where it is demonstrated that unusual practical difficulties exist on the subject property; therefore, making the full requirements of this ordinance impractical to implement fully. An administrative exception shall not exceed five (5) percent of the overall site lighting requirements. An administrative exception shall not be available or applicable for the following outdoor lighting ordinance requirements:

1. The type of lighting fixtures used;
2. The light trespass requirements;
3. The full cut-off requirement;
4. The installed height of a fixture;
5. An after-the-fact exception request or to correct a zoning violation.

Exceptions may be made to this section to allow for pedestrian scaled lighting in the public right-of-way for security purposes. Exceptions may be granted when the applicant or property owner submits, in writing to the planning director, a request for an exception from this section, and when the planning director finds such exception is necessary to alleviate safety and security concerns. No exception shall be granted for any light fixture that creates glare on adjacent properties or is not of a full cut-off design.

BE IT FURTHER ORDAINED by the Town Council that the amendments herein of the Code of the Town of Ashland shall be effective immediately upon adoption.

Introduced:	July 3, 2012
Advertised:	Planning Commission: Herald Progress: September 20, 2012 & September 27, 2012 Town Council: Herald Progress: November 1, 2012 & November 8, 2012
Public Hearing:	Planning Commission: October 10, 2012 Town Council: November 20, 2012
Adopted:	November 20, 2012
Effective:	November 20, 2012