



# Town of Ashland

*Center of the Universe*

## STAFF REPORT

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**To:** Town Council, Town of Ashland, Virginia  
**From:** Nora Amos  
**Date:** January 17, 2017  
**Case Type:** Text Amendment  
**Case No.:** ORD2016-09  
**Case Name:** Lighting Exception

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### REQUEST:

Staff has requested a text amendment to allow the Zoning Administrator to grant an administrative exception to the installed height of a lighting fixture. This administrative exception could not be granted for any light fixture that creates glare on adjacent properties or is not of a full cut-off design. The current maximum height of a lighting fixture is 20'. This question arose from the development of new multi-story hotels and the need for lighting of the building above 20'.

The proposed ordinance amendment is attached.

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### RECOMMENDATION:

The Planning Commission voted (5-0) to recommend approval within the exception being limited to building mounted lighting on B-2 or M-1 zoned property and possibly tied to building height.

Staff revised the regulations to meet the Planning Commissioners comments and is recommending approval of ORD2016-09.

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### MOTION:

**Approve** – I move to approve ORD2016-09.

**Approve w/ amendments** – I move to approve ORD2016-09 with the following changes\_\_\_\_\_.

**Deny** – I move to deny ORD2016-09.

**Defer** – I move to defer action on ORD2016-09 until the \_\_\_\_\_ Town Council meeting.

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## REQUEST:

Staff has requested a text amendment to allow the Planning Director to grant an administrative exception to the installed height of a lighting fixture. The current maximum height of a lighting fixture is 20'. This question arose from the development of new multi-story hotels and the need for lighting of the building above 20'.

As seen in the image below, the hotel desires to include lighting around the cornice of the building that would NOT be directed upwards, but contained by a parapet and shown onto the building.



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## ZONING:

Today, the Planning Director may grant administrative exceptions where lighting is needed for pedestrians, safety, or security. This power is limited, rightfully so, to ensure that the merit of the town goals for a dark sky compliant community are met.

The exception **SHALL NOT** exceed five (5) percent of the overall site lighting requirements.

The exception **SHALL NOT** be available for the following:

- a) Type of lighting fixtures (dark sky compliant required)
- b) Light trespass requirements (0.5 foot-candle at property boundary)
- c) Full cut-off requirement
- d) Installed height of a fixture (20' maximum)

- e) After-the-fact exception request or to correct a zoning violation

The exception **SHALL NOT** be granted for any light fixture that creates glare on adjacent properties or is not of a full cut-off design.

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#### **COMPREHENSIVE PLAN:**

Policies (CD.38 and E.28) call for lighting to be dark sky compliant, not cast glare to surrounding areas, and provide natural appearing light are accomplished through the updated town regulations.

Policy CD.40 identifies attractive entrances into Ashland, as development that includes landscaping, lighting, and appropriate signage that is part of an overall uniform theme for the Town.

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#### **ANALYSIS AND RECOMMENDATION:**

Staff has requested a text amendment to allow the Planning Director to grant an administrative exception to the installed height of a lighting fixture. The current maximum height of a lighting fixture is 20'.

This question arose from the development of new multi-story hotels, but staff has been approached in the past with requests for higher lighting on multi-story industrial buildings.

If approved, the administrative waiver for higher lighting would still be limited to 5% of the overall lights and it **could not create glare on adjacent properties**. In addition, the regulations would still stand that the exception would not be available for the following:

- a) Type of lighting fixtures (dark sky compliant required)
- b) Light trespass requirements (0.5 foot-candle at property boundary)
- c) Full cut-off requirement
- d) After-the-fact exception request or to correct a zoning violation

Through meeting A-D above, Comprehensive Plan policies (CD.38 and E.28) that call for lighting to be dark sky compliant and not cast glare to surrounding areas, will still be fulfilled.

Comments received at Planning Commission led staff to revise the proposed exception process to only apply to building-mounted lighting in B-2 or M-1.

***Staff is recommending approval of ORD2016-09.***

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**PLANNING COMMISSION:**

On January 11<sup>th</sup> the Planning Commission held a public hearing and discussed the amendment. No one from the public spoke. The Commissioners discussed topics of lighting in residential areas and around the college, trespass requirements, and whether this would retroactively apply. The Planning Commission then voted (5-0) to recommend approval within the exception being limited to building mounted lighting on B-2 or M-1 zoned property and possibly tied to building height.

## ORD2016-09 Lighting Exception

AN ORDINANCE WHICH AMENDS THE CODE OF THE TOWN OF ASHLAND ARTICLE XXV, "SUPPLEMENTAL REGULATIONS," SEC. 21-266 GENERAL LIGHTING STANDARDS, TO ALLOW THE ZONING ADMINISTRATOR TO ALLOW AN ADMINISTRATIVE EXCEPTION TO THE HEIGHT OF A LIGHTING FIXTURE.

BE IT ORDAINED by the Ashland Town Council that the Ashland Town Code, Chapter 21, "Zoning," Article XXV, "Supplemental Regulations," Sec. 21-266 General Lighting Standards, be amended to read as follows:

*"(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 section 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 **freestanding** fixture;
5. An after-the-fact exception request or to correct a zoning violation.

**Exceptions to installed height of a fixture may only be granted for building-mounted lighting located on B-2 or M-1 zoned property.**

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."

This Ordinance shall take effect upon adoption.

Introduced:

Town Council referred to Planning Commission: January 3, 2016

Advertised:

Planning Commission:

Richmond Times-Dispatch: December 29, 2016 and January 5, 2017

Town Council:

Herald Progress: December 29, 2016 and January 5, 2017

Public Hearing:

Planning Commission: January 11, 2017  
Town Council: January 17, 2017

Adopted:

Effective: