



Legislation Details (With Text)

File #: 20-0030 **Version:** 1 **Name:**

Type: Informational Report **Status:** Public Hearing

File created: 1/14/2020 **In control:** Board of County Commissioners

On agenda: 1/27/2020 **Final action:**

Title: Unified Development Ordinance Text Amendment, Outdoor Lighting (TC1900002) (15min)

Sponsors:

Indexes:

Code sections:

Attachments: 1. TC1900002 Staff Report, 2. Attachment A TC1900002 Application, 3. Attachment B TC1900002 Statement of Consistency, 4. Attachment C An Ordinance to Amend the UDO Regarding Outdoor Lighting TC1900002, 5. Attachment D Planning Commission Comments TC1900002

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Item:

Unified Development Ordinance Text Amendment, Outdoor Lighting (TC1900002) (15min)

Date of BOCC Meeting: January 27, 2020

Request for Board Action:

The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Outdoor Lighting (TC1900002); and

First Motion: To adopt the appropriate Statement of Consistency pursuant to NCGS §153A-341; and

Second Motion: To adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to amend Article 7, Design Standards.

Summary: Text Amendment TC1900002 is a privately-initiated request to amend Unified Development Ordinance (UDO) paragraph 7.4.2B.2, Outdoor Lighting, Applicability. Currently, per paragraph 7.4.2B.2, outdoor lighting that is used exclusively for recreational activities, is at least 100 feet from residential uses, and is not illuminated during late hours is exempt from the lighting standards set in place by Section 7.4. This amendment would allow lighting that operates during late hours to maintain its exemption from the standards of Section 7.4, provided that a minor special use permit (mSUP) is issued by the Durham City-County Board of Adjustment (BOA). Per the proposed text amendment, review criteria related to lighting (glare, traffic safety, economic effect, and compatibility with adjacent property) would have to be adequately addressed in the minor special use permit hearing. In addition to the minor special use permit, lighting that is illuminated during late hours would still have to be an exclusively recreational use and be at least 100 feet from residential uses to maintain its exemption from Section 7.4. Finally, even with the approval of a mSUP, the expansion of the allowable hours of illumination would be capped at 5:00 a.m. for Friday and Saturday, and 3:00 a.m. for Sunday through Thursday, and this expansion of hours of illumination would only be available to development on parcels in the Industrial (I), Industrial Light (IL), and Industrial Park (IP) zoning districts. See Attachment C for the proposed ordinance language.

Attachment:

Attachment A: TC1900002 Application

Attachment B: Statement of Consistency Pursuant to NCGS § 153A-341

Attachment C: An Ordinance to Amend the *Unified Development Ordinance* Regarding Outdoor Lighting (TC1900002)

Attachment D: Planning Commission Comments

Alignment with Strategic Plan: The text amendment emphasizes Goal 4 (Community Prosperity) by offering fair and reasonable regulations for the citizens and business community of Durham while adhering to Goal 5 (Accountable, Efficient, and Visionary Government) by maintaining a transparent government and welcoming public input.

Resource Persons: Carl Kolosna, AICP, Senior Planner, and Patrick Young, AICP, Planning Director

County Manager's Recommendation: The County Manager recommends that the Board conduct a public hearing on the proposed *Unified Development Ordinance* text amendment and, if appropriate based on the comments received during the hearing, adopt the appropriate Statement of Consistency and approve the amendment.

County Manager: _____