



**An Amendment to Article 9 Performance Standards,
Part III Outdoor Lighting
of the Unified Development Ordinance (UDO)
of the Town of Sunset Beach, North Carolina**

THAT WHEREAS, the Town has enacted a Unified Development Ordinance that control land development within both the Town’s incorporated areas and within its extraterritorial area; and

WHEREAS, in order to promote the public health, safety and general welfare and to promote the best interests of the town and community, it is necessary from time to time for the Town Council to consider appropriate revisions, modifications and additions to the Town’s Unified Development Ordinance; and

WHEREAS, town staff has initiated text amendment requesting a review of Article 9, Part III titled Outdoor Lighting of the Town’s Unified Development Ordinance concerning standards for outdoor lighting; and

WHEREAS, the town staff reviewed Article 9, Part III and provided the Planning Board with a recommendation for amending Article 9, Part III for their consideration; and

WHEREAS, the Planning Board reviewed and deliberated the recommendation, and reached a 5 to 0 vote to recommend to the Town Council that an amendment repealing and replacing Part III of Article 9 titled Outdoor Lighting be approved; and

WHEREAS, pursuant to N. C. General Statutes and town ordinances, a public hearing, properly noticed , was held on February 1, 2016, where public comment was heard and considered by the Town Council regarding this issue; and

WHEREAS, the Planning Board and Town Council finds that the proposed amendment to Unified Development Ordinance Article 9 Part III is consistent with the Sunset Beach Comprehensive Land Use Plan; and

WHEREAS, the Town Council further finds that the approval of this proposed amendment is reasonable and in the public interest in that the amendment: (i) provides for safe and efficient lighting standards throughout the Town and extraterritorial jurisdiction, (ii) works to alleviate nuisance conditions associated with poor lighting, and (iii) ensures the Town is kept abreast of new lighting technology and practices as they develop.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Sunset Beach that Unified Development Ordinance Article 9 Performance Standards Part III Outdoor Lighting is hereby repealed and replaced by the following:

Section 9.15 Purpose

The outdoor lighting standards of this section are intended to promote “dark sky” lighting principles and protect the public health and general welfare by controlling the adverse impacts of glare and light trespass associated with poorly shielded or inappropriately directed lighting fixtures.

Section 9.16 Applicability

Unless otherwise expressly exempted, the regulations of this section apply to all outdoor lighting installed after February 1, 2016.

Section 9.17 Exempt

(A) The following activities are exempt from the requirements of this section.

- (1) Outdoor lights used for a temporary event; permitted through the Town.
- (2) Holiday lights.
- (3) Residential security lights controlled and activated by motion sensor devices for a duration of 15 minutes or less;
- (4) Lighting of official government flags;
- (5) Lights used as part of a safety feature (eg. warning lights on radio, communication and navigation towers)
- (6) Outdoor lights used exclusively for recreational activities, concerts, plays, or other outdoor events that are open to the public, provided that the event or function meets all other applicable Ordinance requirements. Such lighting shall be located at least fifty (50) feet from any adjoining residential district or use and shall terminate lighting between 11:00 PM and 7:00AM.
- (7) outdoor light fixtures producing light directly by the combustion of fossil fuels, such as, kerosene lanterns or gas lamps;

(B) Outdoor lighting for permitted temporary or outdoor events listed in this section shall only be illuminated while the activity takes place and during high traffic periods immediately before and after the event.

Section 9.18 Lighting Plan

All major site plans, as specified in Article 5, Section 5.03, must indicate, at a minimum, fixture type, pole height and any fixture shielding. In addition, a note must be included on the site plan indicating that the proposed development shall comply with the outdoor lighting standards of this ordinance, including compliance with the light trespass requirement in Section 9.21.

Section 9.19 Site Lighting Design Requirements

Lighting shall be used to provide safety while accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This can be accomplished through style, material, or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

- (A) *Fixture (Luminaire).*
 - (1) The light source shall be completely concealed behind an opaque surface and recessed within an opaque housing and shall not be visible from any street right-of-way or adjoining properties. Overhead lighting fixtures shall be designed to prevent light from emitting upwards towards the sky.
 - (2) Under *canopy* lighting fixtures should be completely recessed within the *canopy*.

- (B) *Fixture Height.*
 - (1) Mainland lighting fixtures for nonresidential uses may not exceed forty (40) feet in height. Lighting fixtures for residential uses shall not exceed twenty five (25) feet in height. Illumination levels shall comply with Section 9.20.
 - (2) All Island lighting fixtures may not exceed twenty five (25) feet in height or twenty (20) feet in height if within 300ft. of a primary frontal dune. Illumination levels shall comply with Section 9.20.
 - (3) The *UDO Administrator* may allow fixtures above these heights to provide internal lighting for stadiums, arenas, and similar facilities.

- (C) *Light Source (Lamp).*
 - (1) Incandescent, florescent, or metal halide, are preferred. Light Emitting Diodes (LEDs) and fiber optics may be used provided the color emitted is between 4,000 and 5,000 Kelvin (white light). High pressure sodium lamps are prohibited.
 - (2) The same light source type must be used for the same or similar types of lighting on any one (1) site throughout any *development*.

- (D) *Mounting.* Fixtures shall be mounted in such a manner that the cone of light is contained on-site and maximum illumination levels off-site do not exceed those found in Section 9.20(B) and not conflict with light trespass requirements found in Section 9.21.

- (E) *Limit Lighting to Periods of Activity.* The use of sensor technologies, timers, or other means to activate lighting during times when it will be needed may be required by the *UDO Administrator* to conserve energy, provide safety, and promote compatibility between different land uses.

Section 9.20 Illumination Levels

- (A) To ensure uniform light distribution, all site lighting shall be designed so that the level of illumination as measured in foot-candles (fc) at any one point meets the standards in the table below with minimum and maximum levels measured on the pavement within the lighted area and average level (the overall generalized ambient light level) measured as a not-to-exceed value calculated using only the area of the site intended to receive illumination.

LIGHT LEVEL (foot-candles)			
Type of Lighting	Minimum	Average	Maximum
Architectural Lighting	0.0	1.0 - 1.5	5.0
Canopy Area Lighting	2.0	10.0 - 20.0	20.0
Multi-family Parking Lot	0.5	1.0 - 1.5	8.0
Nonresidential and multi-family entrances	1.0	2.5 - 5.0	15.0
Nonresidential parking lot	0.5	1.5 - 2.0	10.0
Storage area (security lighting)	0.5	1.0 - 1.5	10.0
Vehicles sales and display	0.5	3.0	15.0
Walkways, landscape, or decorative lighting	0.5	1 - 1.5	5.0

- (B) All outdoor lighting shall be designed and located such that maximum illumination measured in foot-candles complies with the following table:

MAXIMUM ILLUMINATION LEVELS (foot-candles)	
Lighting Measured at:	Maximum Illumination (foot-candles)
Street	5.0
Property Line of Nonresidential Uses abutting Residential Use or Residential District	0.5
Property Line of Nonresidential Use abutting Nonresidential Use or Nonresidential District	Conformance with 9.20 (A)

Section 9.21 Light Trespass

All outdoor lighting must be located, angled, shielded or limited in intensity so as to cast no direct light or glare at any abutting residentially-used property, on adjacent streets, or spill into the night sky.

Section 9.22 Sea Turtle Protection

- (A) *Purpose.* The purpose of this section is to protect the threatened and endangered sea turtles that nest along the beaches of the Town by safeguarding egg-laying females and hatchlings from sources of artificial light that deter nesting and cause disorientation and subsequent death. To the maximum extent feasible, and consistent with requirements for *public safety*, it is the policy of the Town that no artificial light shall directly or indirectly illuminate the Town’s ocean beach. To comply with this policy, outdoor lighting installed or upgraded within three hundred (300) feet of the primary frontal dune after the effective date of this Ordinance shall meet the following additional requirements:

- (1) Streetlight fixtures shall be shielded and/or utilize lenses to create a light pattern that contains light landward of the primary frontal dune.

- (2) Where it is impractical to contain light from streetlight fixtures on the landward side of the primary frontal dune, colored lenses that modify light so that it is not disruptive to sea turtle hatchlings shall be employed.
- (3) Pole-mounted light fixtures installed on private property shall be shielded in such a manner as to contain light on the landward side of the primary frontal dune.
- (4) Wall-mounted light fixtures shall be fitted with shields and hoods to contain light on the landward side of the primary frontal dune.
- (5) Residential floodlights, as specified in 9.17(A)(3), installed for security purposes and operated by motion sensors are permitted. These fixtures shall be mounted and aimed in a manner to contain light on the landward side of the primary frontal dune.
- (6) Where possible, the source(s) of light within the three hundred (300) foot zone must not be visible from the seaward side of the primary frontal dune.

(B) *Implementation; Compliance.* Building, electrical, and/or *sign* permits will state that the *applicant* must comply with the requirements of this section, and the requirements of this section must be met prior to the final inspection on the permit.

SECTION 9.23 NONCONFORMING LIGHTING

Lighting fixtures existing as of February 1, 2016, may remain, and shall be considered nonconforming *structures*. Modifications, replacement, or expansions shall conform to the standards of this Ordinance except for the following:

- (1) Fixtures may be replaced with like fixtures that meet requirements of Section 9.19(A).
- (2) Maintenance and repairs (excluding replacement of fixtures, modifications, or expansions with like parts such as lamps, photo controls, lens, and ballasts may be performed.

Section 9.24 Prohibited Lighting

The following types of outdoor lighting are specifically prohibited:

- (A) Lighting that could be confused for a traffic control device.
- (B) Lighting that is oriented upward, except as otherwise provided for in this Ordinance.
- (C) Searchlights, beacons, and laser source light fixtures are expressly prohibited.
- (D) Lights that blink, flash, move, revolve, flicker, change in intensity, or change color, except lights listed as exempt under 9.17(A).
- (E) Any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting.
- (F) Lighting inside of an awning when the awning material is translucent.
- (G) Area floodlights, not including residential security lighting on timers or motion detection.

Adopted this the _____ day of _____, 2016

Town of Sunset Beach

By: Mayor

ATTEST:

Town Clerk