BUNCOMBE COUNTY
PLANNING & DEVELOPMENT

Agenda
Buncombe County Planning Board
November 17, 2025
30 Valley Street, Asheville, NC 28801

1. Call to Order

2. Announcements – Nancy Waldrop

3. Announcements – Staff

    a. Gillian Phillips - Text Amendments (downzoning legislation)
    b. Curt Euler - Spot Zoning Overview

4. Roll Call of Board Members

5. Approval of Agenda

6. Planning Minute Approvals:

    a. 10-20-25 Minutes

7. General Public Comment

8. ZPH2025-00036 Rogers Rezoning-Haley Madfis

    a. Staff Presentation
    b. Applicant Presentation
    c. Public Hearing
    d. Board Discussion
    e. Vote on Map Amendment

9. Continue Review of ZPH2025-00024 Lighting Text Amendment – Shannon Capezzali

10. Adjournment

BUNCOMBE COUNTY
PLANNING & DEVELOPMENT

Minutes
Buncombe County Planning Board
October 20, 2025
30 Valley Street, Asheville, NC 28801

1. Call to Order

   Chair Nancy Waldrop called the meeting to order at 9:30am.

2. Announcements – Nancy Waldrop

   There were no announcements from the Board chair.

3. Announcements – Staff

   There were no announcements from staff.

4. Roll Call of Board Members

   Board Members present were: Liza Schillo, Jay Marino, Karl Koon, Ken Kahn, Nancy Waldrop (chair), John Noor, Alan Coxie, and Eric Robinson.

5. Approval of Agenda

   BLANK motioned to approve, BLANK seconded, and passed unanimously.

6. Planning Minute Approvals:

   a. 8-18-2025 Minutes

      Mr. Kahn motioned to approve as-written, Mr. Marino seconded, and it passed unanimously.

7. Review and Questions about 9-15-2025 Presentation Notes – No quorum was present

8. General Public Comment

Mr. Bernard Arghiere spoke with feedback about the proposed lighting ordinance changes.

9. Swannanoa Small Area Plan Update

Mrs. Capezzali presented the update on the Swannanoa Small Area and Resilience Plan.

a. Existing Conditions Study & Hazard Vulnerability Assessment status

   Ms. Schillo asked how staff feels about demographic representation. Mrs. Capezzali acknowledged challenges in certainty (lack of responses to demographic questions in polling) as well as known gaps such as Riceville and the <26 year old population.

   Mrs. Waldrop asked about the reasons for lack of responses to demographic questions. Mrs. Capezzali said there could be many reasons but that often people are not as comfortable providing that. Mrs. Phillips said this was in line with staff experience during the comprehensive planning process.

b. Boundary Poll results
c. Policy map concept and Steering Committee results
d. SWOT Analysis poll results
e. Next Steps

   Mr. Coxie asked about whether staff had consulted with Duke Energy about resilience (citing their efforts on that front). Mrs. Phillips said they are on the Technical Expertise Committee.

10. ZPH2025-00024 Lighting Text Amendment Workshop

Mrs. Capezzali presented the staff PowerPoint originally intended for the 9-15 meeting followed by a line-by-line review of the proposed changes. Board members asked many questions. These included:

Mr. Koon asked about the impact of the proposed changes on affordability, a comp plan goal.

Mr. Noor asked about the 9-15 unofficial meeting's outstanding questions regarding 3000 K and state law regarding downzoning.

There were several questions about the standard requiring lighting to be brought into compliance only when exceeding 50% of the value, and a discussion of the same. Nr. Noor suggested phased compliance while Mrs. Phillips stated that the provision was

consistent with county policy to avoid amortization; Mr. Noor said that amortization was legal and proper tool for converting noncompliance into compliance.

There was a discussion about the pros and cons of using footcandles vs lumens for development.

The Board discussed options for breaking some regulatory categories into separate items (canopies, sports fields, performance areas) due to differing needs and concerns with each use.

Mr. Kahn motioned to suspend the work session until the next meeting (11/17/25) and Mr. Marino seconded. The motion passed unanimously.

11. Adjournment

Mr. Marino made a motion of adjourn, and BLANK seconded. The meeting adjourned at 11:25am.

ZONING MAP AMENDMENT (REZONING) INFORMATION

What is a Zoning Map Amendment (Rezoning)?

The Official Zoning Map is a map, adopted by the Buncombe County Board of Commissioners, which breaks the unincorporated areas of Buncombe County into zoning districts. Regulations pertaining to each zoning district are described in the Buncombe County Zoning Ordinance, including a list of the land use types that may be permitted within each district. A land owner may submit an application for a Zoning Map Amendment ("Rezoning") to change the zoning district to which their property has been assigned. Once a property is rezoned, any use allowed in that Zoning district, as listed in *Section 78-641 Permitted Uses* of the Zoning Ordinance, could be permitted.

Who decides if I will get a Map Amendment?

The proposed rezoning is first reviewed by the Buncombe County Planning Board, which makes a recommendation to approve or deny the proposal. The Planning Board's recommendation is then presented to the Board of Commissioners, which makes the final decision. The Planning Board and Board of Commissioners must consider issues of neighborhood compatibility, zoning consistency, and Comprehensive Land Use Plan priorities for development when considering a rezoning request.

When will my application be decided?

The Planning Board meets the first and third Monday of every month at 9:30am. Staff will confirm your meeting date upon submittal of your application. The applicant or their chosen representative **should be present** at the meeting in order to receive a review by the Board. Applications must be received by the Planning Department 30 days prior to the scheduled Board meeting.

What is the process for obtaining a Map Amendment?

1. **Pre-Conference:** Complete a pre-submittal conference with the Zoning Administrator to review the proposed rezoning.
2. **Submit Application:** At least 30 days prior to the public hearing date.
3. **Public Notice # 1:** Public notice procedures for the Planning Board hearing will be conducted by County staff. Staff must notify all property owners within 1,000 feet of the property in addition to online and newspaper legal advertisements of the public hearing.
4. **Public Hearing # 1:** The Planning Board will hear a summary of Staff's recommendations, information presented by the applicant, statements by the public, and will recommend approval or denial.
5. **Public Notice # 2:** Public notice procedures are repeated for the Board of Commissioner's meeting.
6. **Public Hearing # 2:** The Board of Commissioners will review Planning Board and Staff recommendations, hear statements by the public, and make a final decision at a public hearing to approve or deny the proposal.

Is the Board of Commissioner's decision the final step?

Yes. The Zoning Map amendment process is complete, and the Board of Commissioner's decision takes effect, immediately following a majority decision to approve or deny the request. Once approval is received, the applicant may seek approval to develop the property in accordance with the Zoning, Subdivision, and other ordinance requirements for the approved Zoning district.

What else should I know?

Sometimes, an application is continued to another meeting due to a lack of a quorum or insufficient information, or sent back to the Planning Board for further deliberation. If this occurs, please note that the change in your Planning Board meeting date will also alter your scheduled Board of Commissioners meeting date. Contact the Planning Department for any questions about your assigned meeting dates.

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PLANNING & DEVELOPMENT
(828) 250-4830 - PlanningInfo@BuncombeCounty.org
www.buncombecounty.org/planning

Application for a Zoning MAP AMENDMENT *(Rezoning)*

A PRE-SUBMITTAL CONFERENCE WITH THE PLANNING DEPARTMENT IS REQUIRED PRIOR TO SUBMITTAL.

A. Property Information

Application is hereby made to the Board of Commissioners of Buncombe County to amend the Official Zoning Map of Buncombe County as it pertains to the following properties:

PIN(s): 9626910044 9626915134 9626915565

Address(es): 4 Dry Ferry Rd Asheville NC 28806 80 Ferry Rd Asheville NC 28806

Acreage: 13.14

Available Utilities: ☒ Public water ☐ Private well ☒ Public MSD Sewer ☐ Private septic

B. Zoning Classification

Current zoning district(s): R-1

Requested zoning district(s)*: R-3

**If only a portion of the property is requested to be rezoned, or a rezoning to include more than one zoning district is proposed, please enclose a map indicating the area(s) of the property to be considered for rezoning.*

C. Applicant Contact Information

Company/Corporate Name (*if applicable*)

Applicant's Name
Ricky Rogers, Rebecca Rogers

Mailing Address
54 Holly Lane Asheville NC 28806

City, State, and Zip Code

(828-231-9404)
Telephone

turboman9794@hotmail.com
Email

Property Owner Contact Information (*If different*)

Owner's Name

Mailing Address

City, State, and Zip Code

(_____)
Telephone

Email

OFFICE USE ONLY:

Case Number: ZPH_____-_____

Date Received: _____

Owner's Affidavit Submitted: ☐ Yes ☐ No

Pre-Submittal meeting with: _____

Planning Board Hearing Date: _____

D. MAP AMENDMENT CONSISTENCY & APPROPRIATENESS

Please answer the following questions (if necessary attach a separate sheet of paper):

1. Describe how the size of the tract proposed for rezoning in reference to surrounding properties makes it suitable for the proposed zoning classification:

I have purchased these 3 parcels of property over the years and wanted to develop them for more housing for the community.
I Feel like the 13-14 acres that touch each other would be great for the surrounding area with all the growth thats happening to be rezoned.
A larger tract allows for thoughtful site planning that maintains neighborhood character while increasing density.
For Multi family units without overwhelming the neighborhood.
R-3 zoning supports flexible housing types—duplexes, triplexes, townhomes—that can be arranged to complement nearby homes.

2. Describe how the proposed rezoning is consistent with the Growth, Equity, and Conservation Framework from Buncombe County's 2043 Comprehensive Plan *(available on the BC Planning Department website, section starts on page 46 in the Plan)*.

R-3 zoning promotes compact, higher-density housing, which directly supports the Plan's goal of accommoc population growth without expanding sprawl.
This area already has utlities in place, to avoid costly expansion.
The Plan encourages mixed housing types and walkable communities—R-3 zoning en townhomes, duplexes, and small apartment buildings that fit this vision.
This rezoning request supports Buncombe County's 2043 Comprehensive Plan by advancing the Growth, Equity, and Conservation Framework. It enables smart growth through compact development, promotes equity by expanding housi choices, and supports conservation by minimizing land consumption and preserving natural features.

3. Describe how the proposed rezoning would be reasonable and in the public interest, with specific attention to the zoning and existing land uses of surrounding properties, and the potential effects of the proposed rezoning on property owners, adjacent neighbors, and the surrounding community.

Asheville faces a housing shortage, especially for affordable and workforce housing. R-3 zoning allows for duplexes, triplexes, and small apartment buildings that diversify housing stock.
It also aligns with the public policy of the County. For Compact development, Equitable housing
and Conservation of rural and natural lands
The parcel's location near transit the Asheville Outlets and different work areas, corridors, commercial nodes, o employment centers supports higher-density residential use.
This rezoning supports inclusive growth, enabling younger residents, seniors, and lower-income families to live in well-connected neighborhoods.

4. Is/are the applicant(s) listed below the owner(s) of the property? ☒**Yes** ☐**No**

If the applicant(s) listed herein are not the owner(s) as listed within the Buncombe County Tax Records, North Carolina General Statutes require the applicant to certify that the owner(s) received notice for each public hearing. An owner's affidavit must be submitted with this application, and certification of notice must be provided by the applicant once notice has been made for each public hearing 5 days prior to the hearing date; sample documents for both items can be obtained from the Planning Department.

E. CERTIFICATION

- I hereby certify that I am the owner, authorized agent of the owner, or have provided legal notification to the owner, and the above information is correct to the best of my knowledge and hereby make application for a Zoning Map Amendment. Any information given that is incorrect will cause this application to become null and void.
- I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.

Signature of Applicant	**Signature of Owner**
Signature of Applicant	**Signature of Owner**
Signature of Applicant	**Signature of Owner**
Signature of Applicant	**Signature of Owner**
Signature of Applicant	**Signature of Owner**
Signature of Applicant	**Signature of Owner**

BUNCOMBE COUNTY
NORTH CAROLINA
PLANNING & DEVELOPMENT
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NOTE TO USER: THIS VERSION OF SECTION E. CERTIFICATION IS FOR USE IN CASES WHERE NUMEROUS PROPERTIES, OWNED BY NUMBEROUS PROPERTY OWNERS, ARE INVOLVED IN THE REZONING APPLICATION

E. CERTIFICATION

E.1. Required Information: Each property owner who is participating in this rezoning application must complete this form. Each owner or group of owners (corporation, LLC, trust, or similar) should provide their information on a separate form. Owners of multiple properties within the rezoning area may use one form to list all affected properties. Use additional forms if necessary.

E.1.1. Location of Properties Proposed for Rezoning

	Physical E-911 Address *Street number, name, city, state, zip code. You may verify your E911 Address at https://discover.buncombecounty.org/*	**PIN Number** *15-digit unique identifier for each parcel. PIN numbers can be found on your tax bill or online at https://gis.buncombecounty.org/buncomap/. Example: 965415728000000 or 9654-15-7280*
1	4 Dry Ferry Rd Asheville NC 28806	9626910044
2	9999 Ferry Rd Asheville NC 28806	9626915134
3	80 Ferry Rd Asheville NC 28806	9626915565
4		
5		
6		
7		
8		
9		
10		
11		
12		

E.1.2. ***Contact Information and Certification of All Owners of Above-Referenced Property or Properties.***

By signing this document I hereby certify that I am the owner of the property or properties referenced herein, and that any information given that is incorrect will cause this application to become null and void. I hereby authorize Buncombe County Staff to enter upon the property referenced below for the purpose of processing this rezoning request. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I hereby authorize the Applicant referenced below, to act as my representative for the purposes of this rezoning request.

	Owner Name	**Corporate Title** (if applicable)	**Mailing Address** *Street number, name, city, state, zip code*	**Telephone Number**	**Email Address**
1	Ricky Rogers		54 Holly Lane Asheville NC 288(	828-231-9404	Rogerscars1825@yahoo.com
	Owner Signature: Ricky Rogers Date: 9/15/25		Applicant/ Designated Representative - Name: Signature: Date:		
2	Rebecca Rogers		54 Holly Lane Asheville NC 28806	828-273-9794	
	Owner Signature: Rebecca Rogers Date: 9/15/25		Applicant/ Designated Representative - Name: Signature: Date:		
3					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
4					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		

E.1.2. ***Contact Information and Certification of All Owners continued.***

By signing this document I hereby certify that I am the owner of the property or properties referenced herein, and that any information given that is incorrect will cause this application to become null and void. I hereby authorize Buncombe County Staff to enter upon the property referenced below for the purpose of processing this rezoning request. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I hereby authorize the Applicant referenced below, to act as my representative for the purposes of this rezoning request.

	Owner Name	**Corporate Title** (if applicable)	**Mailing Address** *Street number, name, city, state, zip code*	**Telephone Number**	**Email Address**
5					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
6					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
7					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
8					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		

E.1.2. ***Contact Information and Certification of All Owners continued.***

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	Owner Name	**Corporate Title** (if applicable)	**Mailing Address** *Street number, name, city, state, zip code*	**Telephone Number**	**Email Address**
9					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
10					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
11					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
12					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		



0 0.05 0.1 0.2 Miles

4 Dry Ferry Rd, 80 Ferry Rd, 99999 Ferry Rd
PINs 9626-91-0044, 9626-91-5565, 9626-91-5134

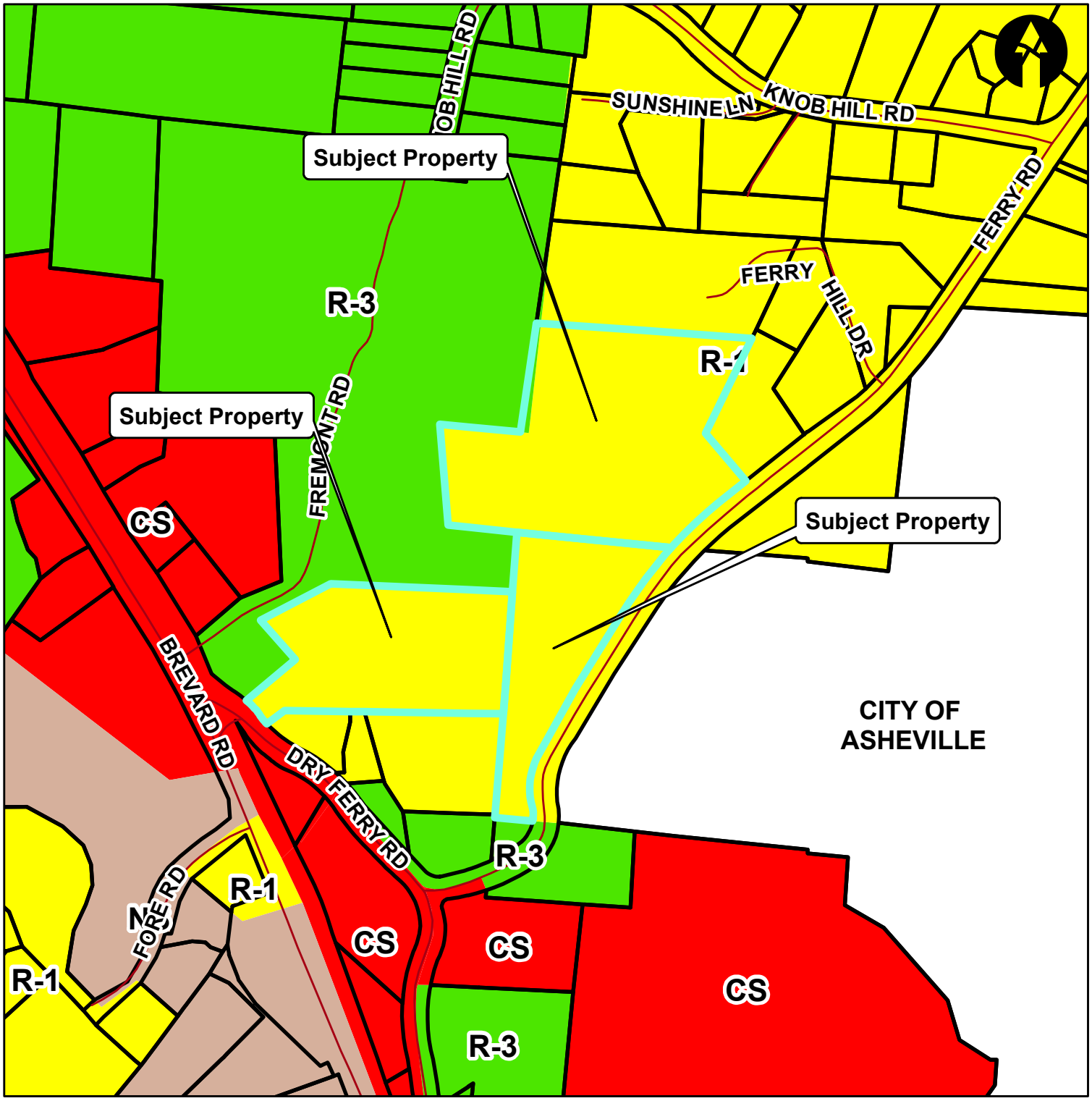
ZPH2025-00036
Rogers
Map Amendment

Aerial Map

Roads

Property Boundaries

Created By: Buncombe Co. Planning
Date: 10/20/2025



0 0.05 0.1 0.2 Miles

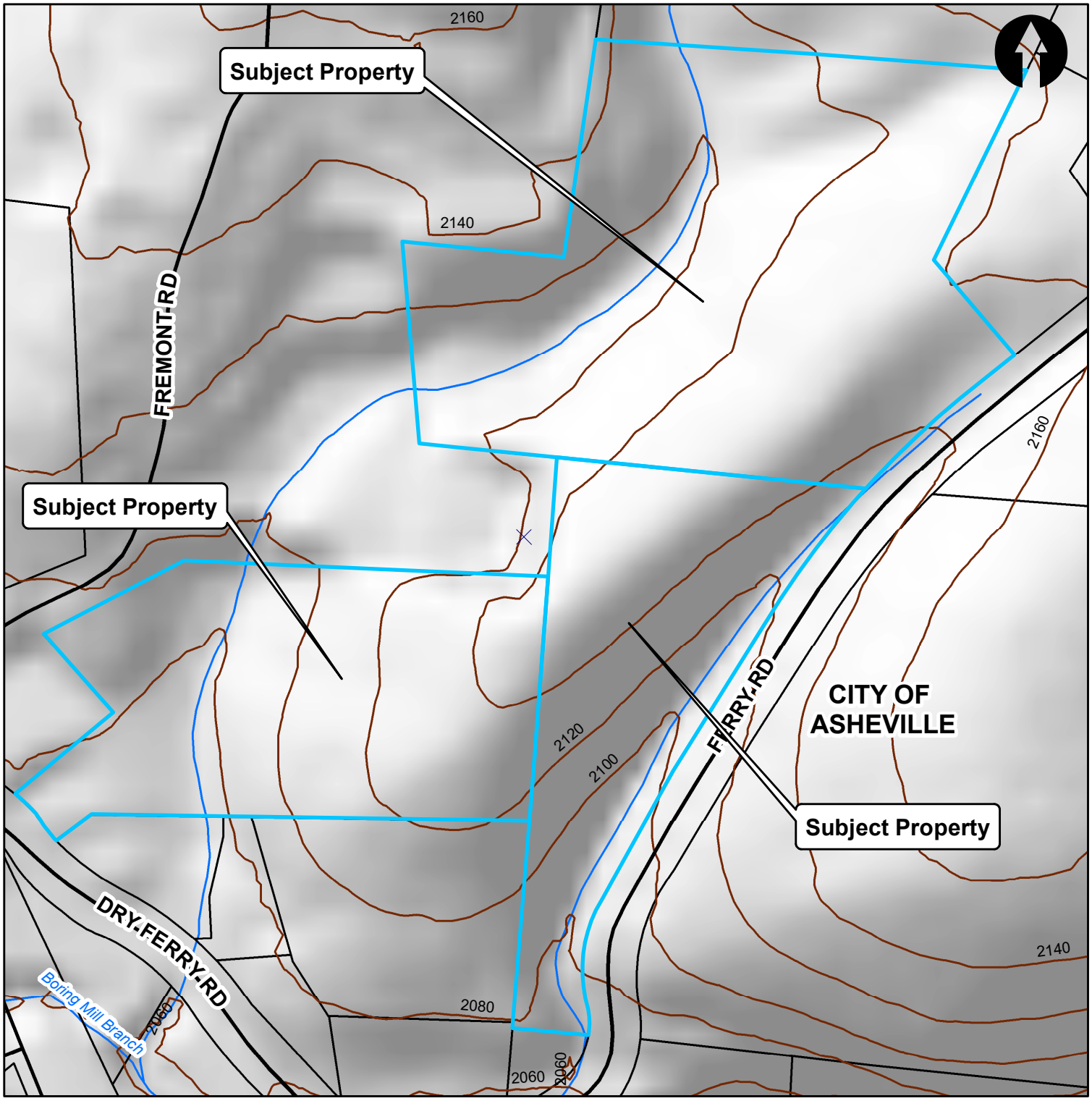
4 Dry Ferry Rd, 80 Ferry Rd, 99999 Ferry Rd
PINs 9626-91-0044, 9626-91-5565, 9626-91-5134

ZPH2025-00036
Rogers
Map Amendment

Zoning Map

AI	EMP	R-1
BDM	NS	R-2
CR	OU	R-3
CS	PS	R-LD

Created By: Buncombe Co. Planning
Date: 10/20/2025



0 150 300 600 Feet

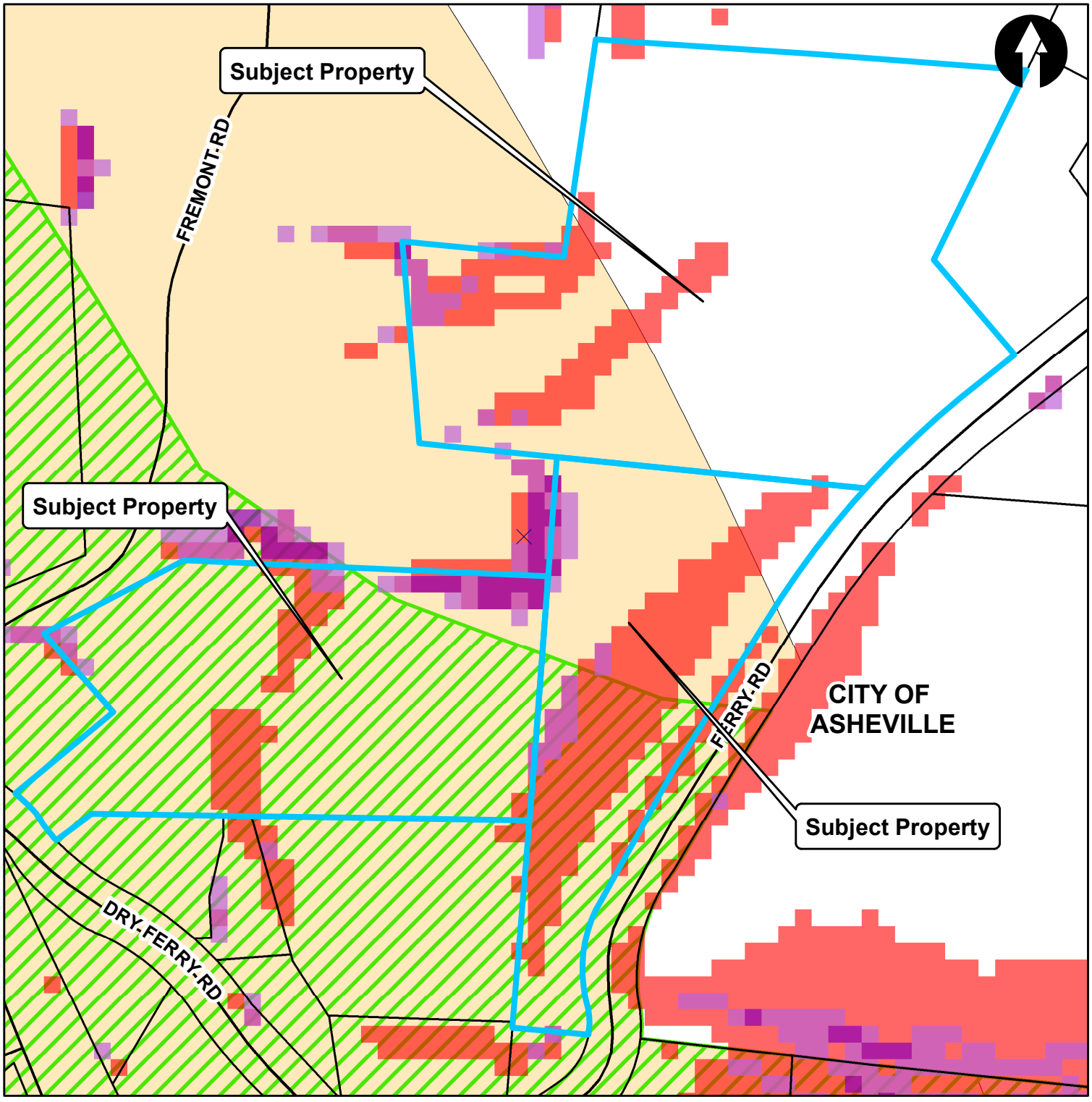
4 Dry Ferry Rd, 80 Ferry Rd, 99999 Ferry Rd
PINs 9626-91-0044, 9626-91-5565, 9626-91-5134

ZPH2025-00036
Rogers
Map Amendment

Topo Map

Roads
20 Foot Contours
Property Boundaries

Created By: Buncombe Co. Planning
Date: 10/20/2025



0 150 300 600 Feet

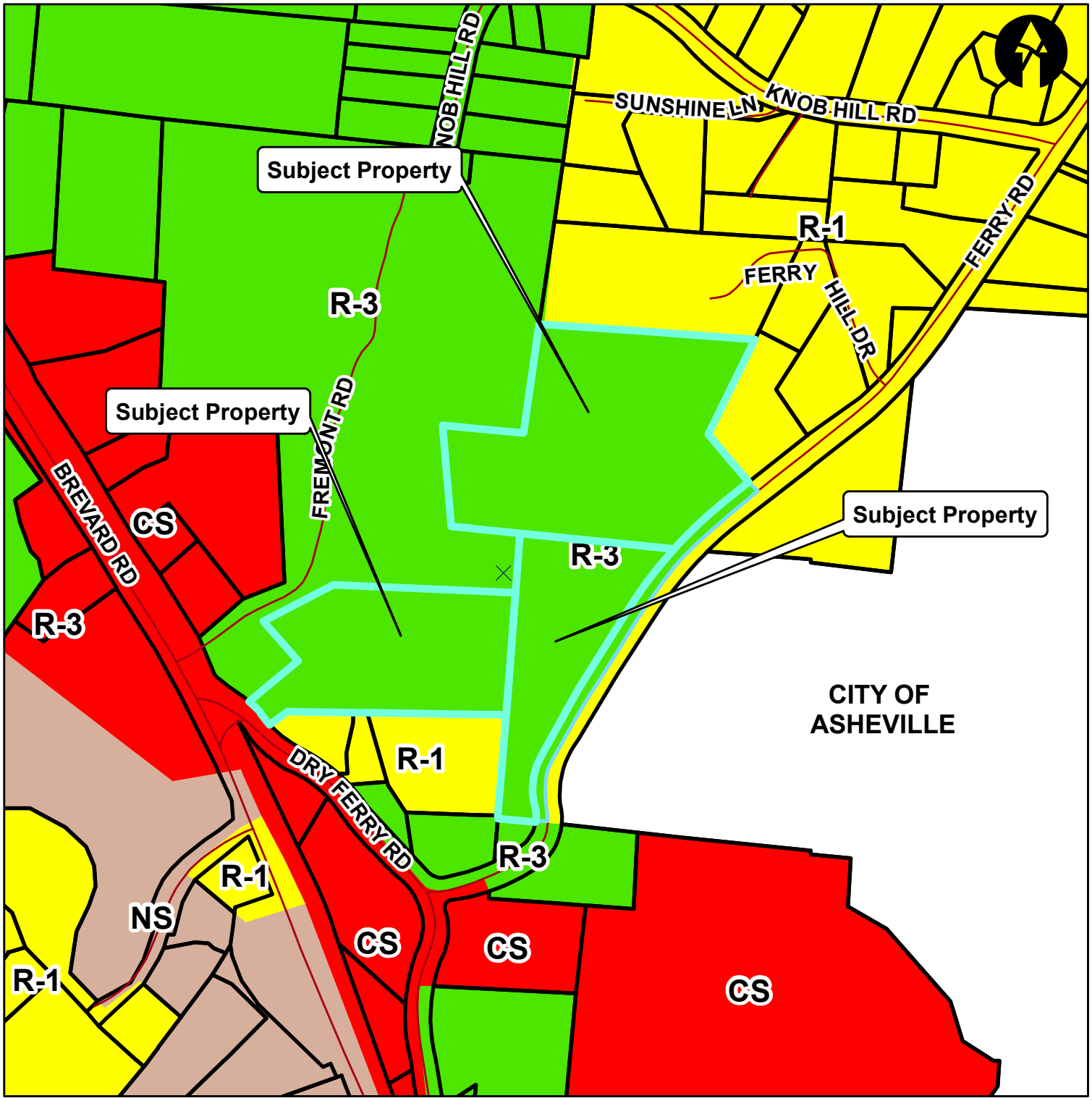
4 Dry Ferry Rd, 80 Ferry Rd, 99999 Ferry Rd
PINs 9626-91-0044, 9626-91-5565, 9626-91-5134

ZPH2025-00036
Rogers
Map Amendment

Land Use Map

Created By: Buncombe Co. Planning
Date: 10/20/2025

- 500 yr
- A - 100yr
- AE - 100 yr
- High Hazard
- Moderate Hazard
- Low Hazard
- 0 - 25 % Slope
- Greater than 25% Slope
- Greater than 2500'
- Proximity to Public Utilities
- Transportation Corridors



Miles
0 0.05 0.1 0.2

4 Dry Ferry Rd, 80 Ferry Rd, 99999 Ferry Rd
PINs 9626-91-0044, 9626-91-5565, 9626-91-5134

ZPH2025-00036
Rogers
Map Amendment

Proposed Zoning Map

AI	EMP	R-1
BDM	NS	R-2
CR	OU	R-3
CS	PS	R-LD

Created By: Buncombe Co. Planning
Date: 10/20/2025

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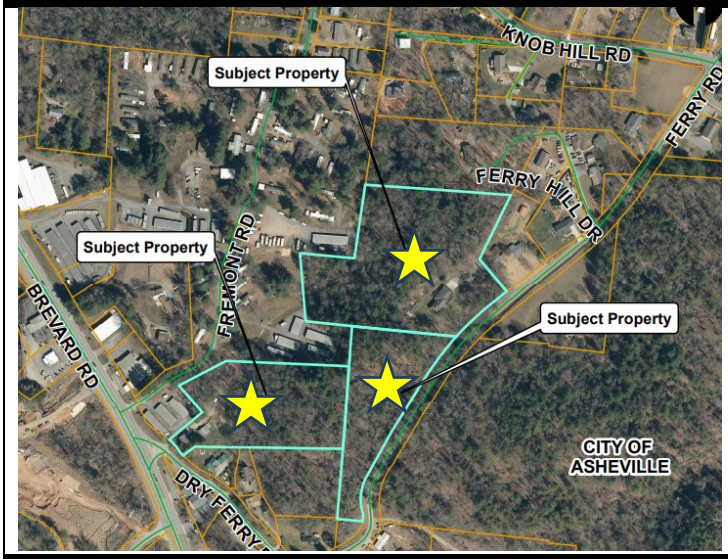
ZONING MAP AMENDMENT
STAFF ANALYSIS
Legislative Hearing

A. CASE	ZPH2025-00036 Rogers Rezoning

B. LOCATION MAP



C. PROPERTY INFORMATION

PIN: 9626-91-0044, 9626-91-5565, 9626-91-5565

ADDRESS: 4 Dry Ferry Rd, unaddressed parcel on Ferry Rd, and 80 Ferry Rd

OWNER: Ricky Rogers and Rebecca Rogers

ACREAGE: 13.4 acres

UTILITIES: In the vicinity of Public water, MSD Sewer

ACCESS ROAD: Dry Ferry Rd. and Ferry Rd.

D. REZONING REQUEST

Summary: Ricky and Rebecca Rogers have requested to rezone three (3) parcels of land from R-1 Residential to R-3 Residential.	**Existing:** R-1 Residential
	Proposed: R-3 Residential

E. PUBLIC NOTICE	Planning Board	Board of Commissioners
Newspaper and BC website: Mailed to owners within 1,000 ft: Physical posting on site: Hearing Date:	11-5-25 11-5-25 11-5-25 11-17-25	TBD

F. RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW

STAFF: APPROVAL	Staff recommends that the rezoning of the parcels be approved as it is consistent with the G.E.C recommendations from the 2043 Comprehensive Plan.

G. SPOT ZONING & STATEMENT OF REASONABLENESS		
Spot Zoning: *A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called "spot zoning." Spot Zoning, David W. Owens, April, 2020, quoting Blades v. City of Raleigh, 280 N.C. 531, 547, 187 S.E.2d 35, 45 (1972).*	**CONSISTENT**	**POTENTIAL SPOT ZONING**
1. Staff Analysis of spot zoning: The subject parcels are approximately a combined 13.4 acres in size. They are adjacent to R-3 zoning to the North and West. The parcel located at 4 Dry Ferry Rd is adjacent to R-1 zoning to the South and East and some CS zoning the Southwest. The unaddressed parcel on Ferry Rd. is adjacent to the City of Asheville to the East across Ferry Rd. The parcel located at 80 Ferry Rd. is adjacent to R-1 to the North and East. Staff does not consider this request a spot zoning.	**X**	
Statement of Reasonableness: *When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors:*	**CONSISTENT**	**IN-CONSISTENT**
1. The size, physical conditions, and other attributes of the area proposed to be rezoned	**X**	
2. The benefits and detriments to the landowners, the neighbors, and the surrounding community	**X**	
3. The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment	**X**	
4. The action taken is in the public interest	**X**	
5. Any changed conditions warranting the amendment	**X**	

H. 2043 COMPREHENSIVE PLAN CONSISTENCY		
PLEASE NOTE: If a rezoning request is approved that is not consistent with the adopted comprehensive plan, the zoning amendment shall have the effect of also amending any future land use map (e.g., the Growth, Equity, and Conservation Map) in the approved plan. No additional request or application for a plan amendment shall be required per the statute.		
GEC CHARACTER FRAMEWORK (FUTURE LAND USE MAP):	**CONSISTENT**	**NOT CONSISTENT**
1. **FLUM CATEGORY DESCRIPTION** The proposed rezoning is consistent with the Character area description of 'Mixed Use Neighborhood" where these parcels are located.	**X**	
2. **WASTEWATER & POTABLE WATER TYPE** The parcels are intended to be served by public water and MSD.	**X**	

3. **DENSITY** The proposed zoning district has a maximum density of up to 12 units an acre, which is the same as the current R-2 zoning also allows 12 units per acre.	**X**	
4. **PRIMARY AND SECONDARY LAND USES** The uses allowed in the proposed zoning district include additional uses which are recommended in the Character Framework for this area.	**X**	
PLAN POLICIES AND ACTIONS:	**CONSISTENT**	**NOT CONSISTENT**
5. **Proximity to Transportation Corridor** *(Transportation Action 4)* All three parcels are within 1,500 ft from Brevard Rd. which is less than 1/3 of a mile. The parcel located at 4 Dry Ferry Rd. is less than 100 ft from Brevard Rd.	**X**	
6. **Support higher density residential development near job centers and amenities** *(Transportation Action 4)* The density will change from 10 units per acre to 12 units per acre. These properties are roughly a mile south of the Outlet Mall and a mile north of the Pratt and Whitney site. Both are considered job centers in the area.	**X**	
7. **Prioritize environmental conservation of other natural lands (such as intact forest lands, wetlands, and other unique habitats) to protect and increase the capacity to sustain the county's existing biodiversity** *(Env. Conserv. Action 3)* These parcels are in the Mixed Use Neighborhood land use type on the GEC map which is designated as a growth area. There are no intact forest lands, wetlands, or other unique habitat that we know of.	**N/A**	
8. **Prioritize the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration** *(Env. Conserv. Action 3)* This does not apply to these parcels.	**N/A**	
9. **Using the guidance of the GEC Map, work with private development partners to bring new sites to market that have promising transportation access, proximity to current and future economic corridors, a robust utility service, labor draw, community synergies, etc.** *(Economic Dev. Action 2)* These properties have the potential to be developed at a slightly higher residential intensity if rezoned to R-3. This would include manufactured home parks and multi-family residential.	**X**	
10. **Support the creation of place-based community gathering destinations at Walkable Destination Centers, Mixed Use Areas, and Rural Centers identified on the GEC Map** *(Economic Dev. Action 3)* These parcels are designated as a Mixed Use Neighborhood. This does not apply	**N/A**	
ENVIRONMENTAL:	**CONSISTENT**	**NOT CONSISTENT**
11. Steep Slope/High Elevation and Protected Ridge Overlay Districts The parcel is not within an Overlay District.	**X**	
12. Regulated Flood Hazard Areas The parcel is not within a regulated flood hazard area.	**X**	

13. High or Moderate Hazard Stability Areas The parcel contains an insignificant amount of moderate and high hazard stability areas to the rear of the parcel.	**X**	

I. NEIGHBORHOOD CONSISTENCY	**CONSISTENT**	**NOT CONSISTENT**
1. CURRENT DEVELOPMENT TYPES: Subject acreage has the following adjacent zonings and uses:	**X**	

DIRECTION	ZONING	ADJACENT USES
NORTH	R-1	Low density residential
EAST	CoA (Com Exp)	Government land
SOUTH	R-1	Residential Building lot
WEST	R-3	Manufactured Home Park

2. Does the proposed rezoning allow for any transition between higher density or intensity uses and lower density or intensity uses? *(Examples include medium intensity zoning between a low and high intensity district, topographic separations, other natural features to ensure a transition or buffer.)* Many of the existing R-1 parcels are currently already adjacent to R-3 parcels. There is no transition needed bewteen R-1 and R-3 since they are both residential zoning districts. If a commercial project were proposed for the parcels, the zoning ordinance requires that a buffer be established between commercial and residential uses.	**X**	
3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area? Most of the properties immediately adjacent to the subject parcels are low density residential uses and a manufcatured home park. The uses allowed in R-3 align with these current uses. The parcels are also in close proxmity to commercial land uses on Brevard Rd. and Dry Ferry Rd.	**X**	

4. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:
The proposed rezoning would allow additional uses in the district that are not currently allowed. Examples of new uses: Bed & Breakfast Inns, Cemetery, Group Homes, Libraries, Manufactured Home Parks, Medical Clinics, Multi-family residential, and schools, etc.

5. DENSITY & DIMENSIONAL STANDARDS COMPARISON:

		Existing District:	Proposed District:
		R-1 Residential	**R-3 Residential**
Min. Lot Size	No Public Sewer	30,000 SF	30,000 SF
	Public Sewer/No Water	12,000 SF	10,000 SF
	Public Water & Sewer	8,000 SF	6,000 SF
Max. dwelling units per acre		10	12
Setbacks (Front/Side/Rear)		10/7/15 with public sewer 20/10/20 septic system	10/7/15 with public sewer 20/10/20 septic system
Max. height		35 feet	35 feet

6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:

The subject properties are located in close proximity to a Buncombe County owned property that was recently approved for a residential development by the City of Asheville. The site is commonly referred to as the Ferry Rd. development.

J. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT – R-1	**PROPOSED ZONING DISTRICT – R-3**
The R-1 Residential District is primarily intended to provide locations for single-family and two-family residential development and supporting recreational, community service, and educational uses in areas where public water and sewer services are available or will likely be provided in the future. This district is further intended to protect existing subdivisions from encroachment of incompatible land uses, and this district does not allow manufactured home parks.	The R-3 Residential District is primarily intended to provide locations for a variety of residential development depending upon the availability of public water and sewer services. Some areas within the R-3 Residential District will have no public water and sewer services available and will thus be suitable primarily for single-family residential units on individual lots and mobile homes on individual lots. Other areas within the district will have public water and/or sewer service available and will thus be suitable for higher density uses such as multifamily residential units, planned unit developments, and mobile home parks. The R-3 district also provides for various recreational, community service and educational uses that will complement the residential development.

K. PLANNING BOARD RECOMMENDATION

1. BOARD BASIS FOR DECISION MAKING

The Board must determine if there is a reasonable basis for the requested change in light of its effect on all involved including the following considerations:

- The requested change does not directly or indirectly result in the creation of spot zoning
- Size of the tract in question
- Compatibility of the change with the adopted 2043 Comprehensive Plan
- Benefits and detriments resulting from the change for the owner of the newly zoned property, their neighbors, and the surrounding community
- Relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts

References: Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002)
Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988)

L. BOARD OPTIONS

The following options are available to the Board:

a. Recommend approval of the proposed rezoning as it is consistent with the Buncombe County 2043 Comprehensive Plan, as presented.
b. Recommend approval of a portion of the proposed rezoning as it is consitent with the Buncombe County 2043 Comprenhensive Plan.
c. Recommend denial of the proposed rezoning, as presented as it is inconsistent with the Buncombe County 2043 Comprehensive Plan.

M. ATTACHMENTS

- Application
- Maps

Buncombe County Planning and Development
Long Range Planning Division
46 Valley St.
Asheville, NC 28801

LIGHTING MEMORANDUM

To: Buncombe County Planning Board
From: Long Range Planning Division
Date: September 2, 2025 (UPDATED October 6, 2025)
Re: Text Amendments Addressing Exterior Lighting Standards

PURPOSE

The Exterior Lighting Memorandum provides an overview of the key issues and proposed Zoning Ordinance changes related to outdoor lighting. Lighting standards are intended to minimize light pollution, light trespass and glare, and work to promote energy efficient lighting practices. Reducing light pollution has important benefits for the natural environment, such as protecting migrating and nesting wildlife, and has been shown to positively impact human health.

This document will summarize an analysis of Equity issues, relevant case law, current bills before the General Assembly, a consideration of regulations in other jurisdictions, proposed text amendments, and general recommendations.

IMPACT ANALYSIS

When exterior lighting pervades the night sky and landscape in ways that negatively impact humans and the environment it is called light pollution. Exposure to light pollution has been found to have negative mental and physical impacts to humans, such as by disrupting the body's circadian rhythm that regulates sleep, and increasing traffic accidents due to glare and night blindness (3). It also creates impacts that can harm wildlife, plants, and ecosystems that we rely on for a healthy and resilient environment (1).

A study of outdoor lighting in the United States showed that non-white communities and renter-occupied areas were impacted by light pollution at a rate twice that of white communities, and that there was little difference in the inequity when studying rural vs. urban areas. Some of this can be attributed to development patterns that result in racial and ethnic minorities, and low-income households being situated near less desirable uses that are more likely to create light pollution (2). "Marginalized communities generally suffer from poor lighting, which is visually distressing, environmentally harmful and socially hostile" (4). As a result, light pollution is an environmental justice issue as it disproportionately impacts communities of color and lower socioeconomic households.

As Buncombe County continues to grow, conflicts between residents and businesses will increase as more areas become developed and new exterior lighting is installed. Infill development, up-zoning, and redevelopment will contribute to a brighter nighttime environment unless protections are put in place to limit the negative impacts of light pollution.

CASE LAW & CURRENT BILLS

In North Carolina, local jurisdictions have the authority under Zoning law to regulate land uses and standards related to them, such as for exterior lighting. The NC General Assembly prohibits blinding, deceptive or distracting lights which could result in a motor vehicle accident or be confused for a traffic signal (G.S. 136-32.2). Two Supreme Court cases related to the regulation of on vs. off-premise sign regulations include: Reed v. Town of Gilbert, and Austin v. Reagan National.

Current Bills in NC General Assembly

None identified.

REGULATIONS IN OTHER JURISDICTIONS

This is a brief look at what other local governments are doing. *Examples from outside North Carolina may not be legal or otherwise desirable in North Carolina but are presented to illustrate alternative approaches.*

Common Language and Practices

Examples of standards from other jurisdictions include:

Light level	Regulates the maximum amount of light at property lines, roads, and for the entire development site or within parking lots, often through footcandle measurements.
Color Temperature	Regulates the color of light on the kelvin scale. 1,000 to 4,500 kelvin is warm light 4,500 to 6,500 is white daylight. 6,500 to 10,000 is blue light. Typically warmer colors are healthier and easier on human eyes, and less disruptive to wildlife.
Mounted height	Sets a maximum height for the mounting of lights or illuminated signage. Height is one factor that impacts how much light is visible to surrounding properties, and how much of an area is illuminated.
Internal illumination	Sets standards for the maximum face size of internally illuminated signs.
Light direction	Light direction dictates where the light falls based on fixture design and placement. Standards to minimize light trespass may include shielding, glare control, or cutoff light fixtures.
Lumens	Sets standards for the maximum amount of visible light through limits on lumens. Lumens is the brightness of the light.
Movement	Regulates or prohibits animation, movement, or change on a digital display sign.
Automation	Lights can be automated to automatically dim after a certain time of night, turn off during daylight, or adjust brightness during fog and rain. Typically utilized for traffic safety reasons.

Common Regulatory Obstacles

Enforcement of exterior lighting regulations can be difficult when applied to single-family residential developments. For example, when residents add new light fixtures or change old light fixtures they are not required to obtain a Zoning permit, so there is no process for a Zoning inspector to ensure that the light is compliant. Coordination with the Permits & Inspections Department through their electrical permitting process would be needed to enforce exterior lighting standards for single-family residential uses. Therefore, no standards are being proposed for detached single-family uses in these text amendments.

Health & Safety Requirements:
Regulating a specific use through the Zoning Ordinance does not exempt that use from any other local, state, or federal regulation. As an example, lighting standards are subject to the following requirements:

- NC State Building Code Requirements for health, safety, and emergency access lighting
- NCDOT Street light requirements for public roads
- FAA requirements for Airport lighting related to the airfield side of the property

Regulation and Enforcement
Regulation of lighting is through the normal permitting process of obtaining a Site Plan Review (SPR) permit for construction of a building, installation or replacement of lighting, or through a Change of Use permit if a residential structure were converted to commercial use. As is common with most of our regulations, Zoning enforcement for a violation of the lighting requirements would be initiated by receipt of a community complaint for non-compliant lighting.

Localities
The following is a list of notable lighting standards from other jurisdictions:

LOCATION	REGULATORY EXAMPLES
Asheville, NC	Regulates residential and commercial lighting, requiring full cutoff fixtures. Limits light at property lines to 0.5 footcandles, mounted height to 25 feet, and flood lights less than 1,250 lumens and shielded. Requires BUG rating and 4,300 kelvin or less. 6,500 lumens or less in residential districts and 20,000 lumens or less for non-residential. Additional requirements for other uses. Prohibits blinking or changing displays and internally lit wall panels. Exempts temporary seasonal lighting, historic landmark lighting, string lights for residential or over dining areas, and ornamental gas lights.
Henderson County, NC	Requires exterior lighting be fully shielded with exceptions for flag poles and other uses. Sets a maximum amount of light trespass at property lines, and prohibits flood lights. Requires existing buildings to bring lighting into full compliance if they repair or replace 50% or more total existing exterior lighting within a 12 month period.
Chatham County, NC	Requires lighting in natural areas to be reduced after midnight. Requires lighting plans to demonstrate how they will be energy efficient, reduce lighting, and utilize timers or other methods to eliminate lights. Sets standards specific to type of use. Sets standards for light measurement techniques for permitting.
Guilford County, NC	Requires commercial lighting adjacent to a residence be turned off by 10pm. All lights must be full cutoff, mounted less than 35 feet, with footcandle limits based on type of use. Specific standards for canopy lighting and outdoor recreation. Exempts single family residential lighting, temporary lighting and holiday displays, security lighting with motion activation that turns off after 15 minutes, gas lamps, street lights, and government flags. Prohibits flashing or intermittent lighting.
Wendell, NC	Specifies a maximum light level of 0.5 footcandles at residential property lines, and up to 1 foot candle at all other property lines. Limits wall packs to building entrances only, prohibiting them for general site lighting. Prohibits any light which shines directly into the yard or window of an adjacent residence. Sets a maximum mounted height of 18 feet for pedestrian lights and 37 feet for street or parking lot lighting.

EXISTING COUNTY ORDINANCES

Buncombe County's Zoning Ordinance currently regulates exterior lighting related to commercial uses, multi-family apartment complexes, and dusk-to-dawn security lighting. Standards require full cutoff lighting, or partial cutoff fixtures for lights less than 1,250 lumens. There are limits on the maximum average light level for the overall development, as well as for light levels at property lines, road rights-of-way, and in parking lots.

Specific standards apply based on type of use, for example, wall accent lighting, gas station canopy lights, streetlights, and sports fields have additional requirements. LED lights are limited to a maximum color temperature of 4,300 kelvin, which is in the warmer yellow range. There is a 35 foot height limit, and glare control requirements. Exemptions exist for temporary seasonal lighting, emergency lighting, and single-family residential lighting (except not dusk-to-dawn lights). Search lights, laser lights, high intensity string lights, and up-lighting are all prohibited.

PROPOSED TEXT AMENDMENTS

The following table summarizes the proposed Zoning Ordinance Text Amendments related to co-living.

SUMMARY OF PROPOSED TEXT AMENDMENTS *(Sec. 78-668 Lighting Standards)*	
1	Create a definition of accent lighting
2	Create a definition of electronic message display
3	Create a definition for facade lighting
4	Update the lighting standard Purpose statement.
5	Remove the assembly replacement standard (b)(2) as this is redundant.
6	Remove dusk to dawn 5-year conformity standard as these lights were already phased out years ago
7	EXEMPTIONS: a) Add exemption for low-intensity ornamental gas flame lamps b) Add exemption for low volt, low watt ornamental landscape lighting
8	PROHIBITIONS: a) Clarify prohibition for outward lighting and any that is not full or partial cutoff b) Clarify standards for lumen ratings of string lights c) Prohibit animated or flashing signs
9	Move all footcandle standards into 1 central table, and make the following changes: a. Split the property line footcandle limit into a non-residential and residential option b. Add a maximum footcandle for illumination of vertical surfaces c. Add a maximum footcandle for electronic message displays
10	Move all Kelvin ratings into 1 central table, and make the following changes: a. Reduce the maximum kelvin rating for commercial b. Create separate kelvin standards for residential and rural areas c. Create a higher kelvin rating for vehicular canopies, sports fields, and performance areas d. Exempt internally lit signs, lettering, and electronic displays from kelvin standards
11	Add a graphic showing the difference between full cutoff, partial cutoff, and non-cutoff fixtures
12	Require that lighting be aimed and shielded so the direct light falls on the property of the light and not onto adjacent parcels except for shared parking areas or common developments
13	Move all maximum height standards into 1 central table, and make the following changes: a. Reduce the maximum height of security lighting to 15 feet b. Create a 10 foot height limit for electronic message displays c. Reduce the maximum height for outdoor sports courts to 50 feet d. Reduce sign lighting to 20 feet e. Reduce the height of general site lighting to 30 feet

	f. Clarify individual lights on apartment balconies have no height limit but must be full cutoff
14	Revise accent and facade lighting to clarify that it only applies to lights which are directly facing a structure or sign that is being illuminated.
15	Clarify the wording for placement of low wattage fixtures close to buildings.
16	Allow non-compliant vehicular canopies to be updated without having to meet all lighting standards by removing some of the faces of the canopy lighting.
17	Require that dusk to dawn, security, and flood lights be motion-activated and designed to turn off within 20 minutes of activation.
18	Require that all street lighting be full cutoff.
19	Clarify that outdoor sports fields and performance areas must be cutoff or full cutoff light fixtures
20	Limit lighting of sports fields to those in open for use or undergoing maintenance.
21	Create standards for electronic message displays.
22	Create maximum size standards for backlit signs and letters based on mounting type/location.
23	Clarify the photometric plan requirements.
24	Create a table identifying commercial and multi-family lighting designs which will not require a photometric plan based on meeting certain standards.
25	Remove the requirement for an as-built drawing for the lighting plan.
26	Remove the reference to the 10 business day review process.

COMPREHENSIVE PLAN REFERENCE

The following sections of the Comprehensive Plan were referenced when drafting these text amendments:

Growth, Equity, Conservation

Action 6: Support the protection of agricultural and forest lands, environmentally sensitive areas, and rural communities.

Farms, Forests, Env.

Policy 2: Preserve Buncombe County's natural heritage.

Policy 3: Promote ecosystem enhancement…

Health & Recreation

Policy 5: Utilize environmental protection and land conservation to… promote health.

Infrastructure & Energy

Action 2: Implement policies around new development and re-development that advance decarbonization and sustainability goals

CITATIONS:

1. Chepesiuk R. Missing the dark: health effects of light pollution. Environ Health Perspect. 2009.
2. Nadybal SM, Collins TW, Grineski SE. Light pollution inequities in the continental United States: A distributive environmental justice analysis. Environ Res. 2020.
3. Task Force to Study Lighting Efficiency & Light Pollution in Maryland. State of Maryland. 2002.
4. Bartholomew, Edward & Loeffler, Mark. With Good Lighting & Justice for All. 2021. Illuminating Engineering Society.

REFERENCES:

(A) Model Lighting Ordinance. 2011. International Dark Sky Association.
(B) Innovative Land Use Planning Techniques. A Handbook for Sustainable Dev. 2008. New Hampshire Dept. of Environmental Svcs.
(C) Smart Codes: Model Land-Development Regulations. 2009. American Planning Association. Planning Advisory Service report 556.
(D) Finding Common Ground: Answers to Common Questions about Electronic Message Centers (EMCs). International Sign Association.

ZPH2025-00024

VERSION 1

9-15-2025

~~Strikethrough~~ – deletions

Underline - additions

Sec. 78-581. Definitions.

Accent lighting means an exterior light directed at and for the purpose of illuminating an object, sign, landscaping feature, or specific architectural detail.

Electronic message display (EMD) means a digital surface that uses light to display information, graphics, or images that can be changed electronically.

Facade lighting means the illumination of the vertical surface of a building through shielded light fixtures attached to and pointing at the structure.

Sec. 78-668. - Lighting standards.

(a) *Purpose.* Lighting standards are established in order to permit~~,~~ reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment and commerce. These standards will minimize light pollution, light trespass, and glare, ~~and will work to~~ promote energy efficient lighting practices and systems, and reduce adverse impacts of outdoor lighting on wildlife and human health. Lighting should be used only where needed, directed and shielded, no brighter than necessary, controlled during off-hours, and of warmer colors where possible.

(b) *Applicability.* Lighting standards shall apply to all new uses including commercial, industrial, public and residential development, all new and pre-existing dusk-to-dawn utility/security lights, and all new street lighting. To the extent regulated by this section, all existing outdoor lights or lighting systems installed prior to the adoption of this section, shall be treated as nonconforming uses pursuant to section 78-657 with the following exceptions:

(1) When a vehicular canopy is renovated at a cost which exceeds 50 percent of the value of the structure or is replaced in its entirety, all lighting attached to the new or renovated canopy must comply with subsection (e).

~~(2) When all the light fixtures of an assembly or group (such as, all the fixtures lighting a loading area or all the fixtures lighting one facade of a building) are replaced, the new lighting must comply with subsection (e).~~

(3) All pre-existing non-cutoff metal halide or high pressure sodium dusk-to-dawn utility/security lights shall conform to the provisions of subsection (e) ~~within five years from the date this section was adopted~~.



Figure X: Example of a prohibited metal halide dusk-to-dawn security light.

(c) *Exemptions.* The following are not regulated by the lighting standards set forth in this section:

(1) Lighting for single-family residential ~~use~~ structures, with the exception of dusk-to-dawn utility/security lights which shall be regulated pursuant to subsection (e)~~(5)~~.

(2) Lighting required by federal, state, or local laws or regulations;

(3) Seasonal displays using multiple low-wattage bulbs;

(4) Lighting used during an emergency or by emergency services personnel or at their direction;

(5) Temporary lighting which does not utilize the lighting types described in subsection (d)(1);

(6) Temporary lighting used for public purposes including but not limited to highway construction and public utility repairs~~.~~;

(7) Low-intensity ornamental gas flame lamps which include a solid cover over the top of the light source;

(8) Low voltage (twelve volts or less), low wattage ornamental landscape lighting, where fixtures are directed downward, and where any single light bulb does not exceed 25 lumens.

(d) *Prohibitions.* The following lighting types are specifically prohibited:

(1) Search lights, laser source lights, or any other similar high intensity lights except for those permitted in advance as required in subsection (f)(5) to be used on a temporary basis;

(2) Lighting that is oriented upward or outward, and any light which is not a cutoff or full cutoff light fixture, except as otherwise provided for in this section~~.~~;

(3) Lighting that could be confused for a traffic control device;

(4) A suspended string of lights, consisting of individual lamps larger than 45 lumens for LED bulbs, or 25 lumens per incandescent bulb, unless used only for temporary seasonal decorations~~.~~;

(5) Animated signs which use flashing or intermittent lights, sound, color changes, video, or other means to give motion to, or bring attention to the sign or the message on it, except that electronic message signs shall be regulated under section (e)(12).

(e) *Lighting specifications.*

(1) *Intensity.*

~~a. Unless otherwise specified, the maximum light level at any point shall be 0.75 footcandles at any property line, or 3.0 footcandles at any public street right-of-way.~~

~~b. The maximum average light level for the developed area of the project to be permitted shall be 4.5 footcandles.~~

~~c. The maximum rating for LED lights shall be 4.300 degrees Kelvin.~~

a. *Footcandles.* Footcandle light limits shall be as follows:

Table X. Maximum footcandles

Location	Max. footcandle
Non-residential property lines	0.75
Residential property lines	0.5

Public street rights-of-way	3.0
Outdoor parking, loading and storage	6.0
Total Developed area	4.5 max. avg.
Illumination of vertical surfaces	5.0 max. avg.
Outdoor sales/display areas	25 max. avg.
Outdoor sports fields, courts, performance areas	60 fc max. avg.
Electronic message displays (EMD)	0.3

i.~~c.~~ b. *Kelvin rating.* The maximum color temperature rating for LED lights shall be as follows:

Table X. Maximum Kelvin ratings		
All lights, except those listed below	ZONING: OU, RLD, BDM, R1, R2, R3	3,000 degrees kelvin
	ZONING: NS, CS, EMP, CR, PS	4,000 degrees kelvin
Beneath vehicular gas station canopies, outdoor sports fields and courts, and performance areas		5,000 degrees kelvin
Internally-lit, backlit signs/lettering, and Electronic Message Displays		Exempt from Kelvin limits when light source is entirely within a non-transparent enclosure

(2) *Luminaire type.* All lighting luminaires to be installed on a permanent basis shall consist of full cutoff or ~~and~~ partial cutoff fixtures, unless otherwise stipulated by this section. Full cutoff fixtures shall be ~~utilized~~ required where the luminaire has more than a 1,250 lumen output, unless as otherwise stipulated by this section. Lighting fixtures to be utilized on a temporary basis and as permitted through subsection (f)(5) shall be exempt from this requirement.

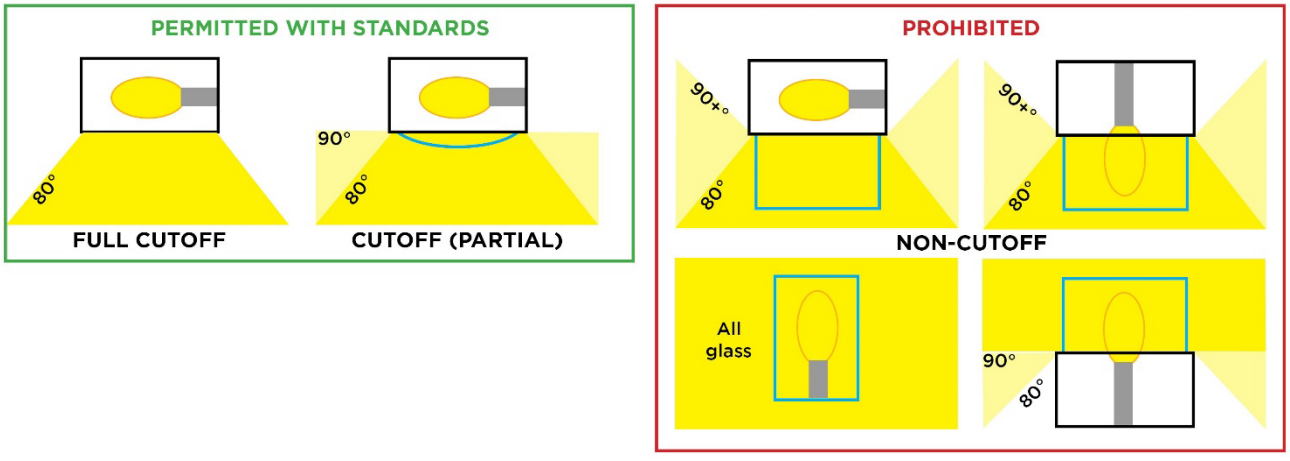


Figure X. Lighting fixture cutoff types

a) All light fixtures shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the light source. Lighting shall not be aimed onto adjacent properties except in cases of shared parking or for communal infrastructure of phased or common developments on adjacent parcels.

(3) *Height*. The maximum mounted height of light fixtures above lowest adjacent grade shall be as follows:

Table X: Maximum Mounted Exterior Light Fixture Height		
Fixture type or use		**Maximum mounted height**
Dusk-to-dawn, security, and flood lights		15 feet
Electronic message displays (EMD)		10 feet
Outdoor sports courts		50 feet
Outdoor sports fields and performance areas		80 feet
Parking lot and street lighting		37 feet
Sign lighting		20 feet
Site lighting	Individual apartment balconies	N/A Must be full cutoff
	All other types	30 feet

~~(3)~~ (5) *Accent and facade* lighting. Accent or facade lighting shall meet the following standards ~~be directed toward at the face of the building or structure.~~

a. Lighting fixtures shall be directed downward ~~rather than upward~~ and shall be full cutoff fixtures, or shall be fully shielded and directly facing the structure or sign surface to be illuminated. ~~The zoning administrator or the board of adjustment may waive this requirement in cases where it is impractical.~~

b. ~~Placement of low wattage fixtures with shields (as needed) close to the building to graze the facade is required to minimize reflected light from windows and other surfaces.~~ Fixtures placed close to windows and other reflective surfaces shall be low wattage and include shields to minimize reflections. Lighting of any portion of a structure with a polished or glass exterior surface is prohibited.

~~(4)~~ (6) *Vehicular canopies.*

(a) Areas under a vehicular canopy shall have a maximum average horizontal illuminance of 30 footcandles. All lighting under the canopy, including but not limited to, luminaires mounted on the lower surface of the canopy and auxiliary lighting within signage or panels over the pumps, is to be included in the calculation. Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or more of the following:

~~a.~~ (i) 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.

~~b.~~ (ii) Surface mounted fixture incorporating a flat glass that provides a full cutoff or fully shielded light distribution.

(b) When replacing the internally-lit signage lighting on a vehicular canopy that is on a property that has pre-existing, non-conforming lighting, signage lighting and canopy wrap lighting shall only be allowed to be replaced on one street-facing side of the canopy. Internally-lit signage shall be removed from all other sides of the canopy unless the entire site is brought into compliance.

~~(5)~~ (7) *Dusk-to-dawn utility~~/~~, security, and flood lights.* Dusk-to-dawn utility~~/~~, *security and flood* lights shall ~~have a maximum rating of 9,500 lumens, shall be mounted at a maximum height of 25 feet above the lowest adjacent grade, and must~~ be full cutoff fixtures, and must be motion-activated and designed to turn off after no more than 20 minutes after activation. The Zoning Administrator may waive the requirement for motion-activation in cases where the type of use requires specific security features on the property due to a demonstrable, significant public health or safety interest.

~~(6)~~ (8) *Street* lighting. ~~a. *Alignment.*~~ Street lighting on newly constructed streets shall be alternately staggered on each side of the street. The zoning administrator or the board of adjustment may waive this requirement in cases where it is impractical. All street lighting must consist of full cutoff fixtures.

~~*b. Intensity.* Newly installed street lighting luminaires shall meet the following standards:~~

~~1. Individual luminaires erected in residential areas shall have a rating which does not exceed 9,500 lumens.~~

~~2. Individual luminaires erected in commercial and industrial areas shall have a rating which does not exceed 50,000 lumens.~~

~~c. *Luminaire type.* All street lighting must consist of full cutoff fixtures. If the luminaire is a post mounted decorative fixture mounted at a height of no more than 18 feet above the lowest adjacent grade, the luminare may consist of a cutoff fixture if the zoning administrator or board of adjustment determines that appropriate glare reduction measures are taken.~~

~~(7) *Outdoor parking, loading and storage areas.* The mounting height of all outdoor parking, loading and storage area lighting shall not exceed 37 feet above the lowest adjacent grade. The lighting of outdoor parking areas shall have a maximum average horizontal illuminance of 6.0 footcandles.~~

~~(8) *Outdoor sales/display areas.* The mounting height of all outdoor sales/display area lighting shall not exceed 37 feet above the lowest adjacent grade. The lighting of outdoor sales/display areas shall have a maximum average horizontal illuminance of 25 footcandles.~~

~~(9)~~ (11) *Outdoor sports fields and outdoor performance areas.*

~~a. The mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed 80 feet from the lowest adjacent grade.~~

b. *Glare Control.* All outdoor sports field and outdoor performance area lighting fixtures shall be cutoff or full cutoff fixtures which are equipped with a glare control package (louvers, shields, or similar devices). The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.

c. *Hours of Operation.* The hours of operation for the lighting system shall coincide with ~~active~~ open use of the field or performance area and any necessary maintenance thereof. ~~Lighting the field or performance area during periods of vacancy shall be prohibited.~~ Only areas which are open for use, or undergoing maintenance, shall be lit.

(12) *Electronic message displays (EMD).*

(a) *Applicability.* The following standards shall apply to all electronic message displays which are visible from or adjacent to a public or private road, with the following exceptions:

(i) Outdoor Sports Field displays which directly face the field or bleachers are exempt;
(ii) Displays located along interior development roads which are not visible outside of the development are exempt;
(iii) Public schools displays shall be allowed in all zoning districts;
(iv) Government Protective Service displays shall be allowed in all zoning districts, and shall be exempt from the limit on rate of change.

(b) *Locations:* EMD's are prohibited in the OU, R-LD, BDM, R-1, R-2, and R-3 zoning districts.

(c) *Dimensions*. A maximum of one (1) electronic message sign shall be allowed per property and the electronic display shall not exceed 15 square feet in size.

(d) *Setbacks*. Signs shall be located no closer to the edge of the public road than 20 feet, and shall not be located within 100 feet from any intersection.

(e) *Display*.

(i) *Rate of change*. Displays shall be programmed to change no more than once per 12 hours;

(ii) *Motion*. Only static text and imagery may be displayed on the sign, and shall not include animation, video, flashing or intermittent lights, sound, color changes, or other means to give motion to the sign or message on it. Any change of the message shall be completed immediately without pauses and all parts of the message shall change simultaneously;

(iii) *Brightness*. The maximum light level shall be 20 nits during non-daylight hours, and 1,000 nits during daylight hours. Displays shall be equipped with a feature which automatically adjusts the brightness of the display based on ambient conditions;

(13) *Backlit signs and internally-lit signs and letters*. Backlit signs, or groupings of backlit letters, shall not exceed the following total cumulative size for the area of the sign that includes lighting:

a. Signs mounted on structures: 50 square feet of lit area
b. Pole-mounted or pylon signs: 15 square feet of lit area
c. Monument signs: 20 square feet of total lit area, or 5 square feet of lit area per business sign.

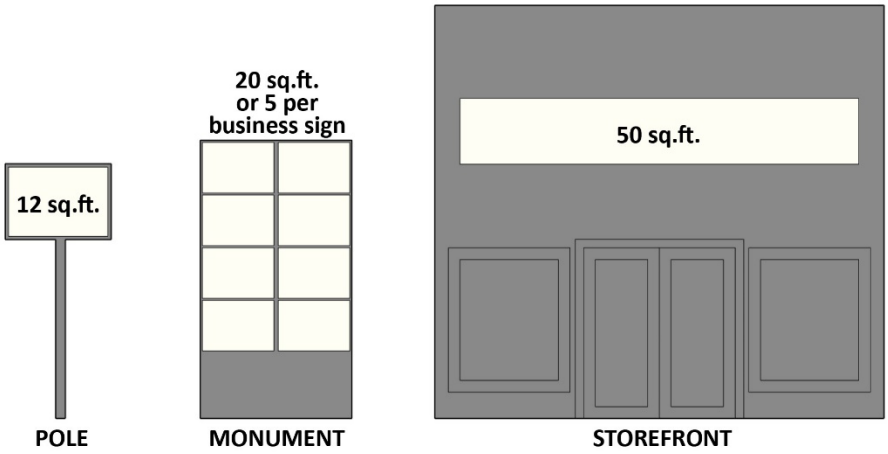


Figure X. Maximum backlit sign sizes.

(f) *Administration and enforcement.*

(1) Lighting plan required. A lighting plan designed and sealed by a licensed engineer shall be submitted with the application for a zoning certificate of compliance. The plan shall indicate the following:

a. Location and mounted height of all exterior lighting on the property.

b. A photometric plan containing the following:

~~i)~~ A point-by-point footcandle array photometric plan, ~~in a printout format~~ indicating the location and aiming of all pre-existing and proposed illuminating devices is required for all lighting except those indicated in the table below:

Table X: Exterior Lighting Designs Which Are Exempt from Photometric Plan Requirements

Type	Cutoff	Min. Spacing Between Lights	Max. Number of Fixtures	Max. Mounted Height above Adjacent Grade	Min. Distance from exterior property line	Conditions
Backlit sign	N/A	N/A	Up to 2 backlit signs per business; Additional backlit signs shall be subject to lighting affidavit	20 feet	5 feet	All other types of lighting on the site must be legally conforming.
Wall pack	Full cutoff	50 feet	Up to 10 total wall packs in the development	20 feet	25 feet from residential PL; 10 feet from commercial PL	Located within a development containing no other types of communal lighting, except backlit signs or entry signs with up to 6 accent lights.
Street light	Full cutoff	250 feet	1 light per 4 subdivision lots; N/A to commercial developments	25 feet		
Parking lot pole light	Full cutoff	100 feet	Up to 10 total parking lot pole lights in the development			
Any mix of lighting types listed above	Full cutoff	As listed above by type	Up to 10 total lights in the development	As listed above by type	As listed above by type	N/A

c. The ~~printout~~ site lighting plan shall include a printed statement that the lighting plan is in compliance with the requirements of this section. ~~indicate compliance with the lighting specifications required by this section.~~

d. The plan shall be accompanied by a 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, full cutoff fixture, etc.) must be furnished.

e. The zoning administrator may waive the requirements for a lighting plan set forth above, provided the applicant has provided all other required information and can sufficiently demonstrate compliance with this section. If the lighting plan requirements are waived, the requirements set forth in subsection (f)(2) ~~and (f)(3)~~ shall also not apply.

(2) A written statement signed and sealed by a licensed engineer, which indicates that the lighting plan complies with the standards set forth herein, shall be submitted with any application for a zoning certificate of compliance that proposes permanent outdoor lighting.

~~(3) A signed and sealed as-built drawing which demonstrates that the lighting plan described in subsection (f)(l) and submitted with the zoning certificate of compliance application was followed shall be submitted for review prior to the issuance of a zoning certificate of occupancy for the project.~~

~~(4)~~ (3) Light measurement technique. When a lighting affidavit is allowed in lieu of a photometric plan by the Zoning Administrator, the l~~L~~ight level measurements of light trespass shall be made at the property line ~~of the property~~ upon which light to be measured is being generated. Measurements shall be made at finished grade (ground level) with the light registering portion of the meter held parallel to the ground pointing up. Measurements shall be taken with a light meter that has been calibrated within the previous two years.

~~(5)~~ (4) Permit for temporary lighting required. Applicants who wish to utilize lighting on a temporary basis or lighting described in subsection (d)(1) must submit a written request to the zoning administrator. ~~The zoning administrator shall have ten business days to approve or deny the permit application.~~ The application shall include:

a. The purpose of the lighting;

b. The hours of lighting operation;

c. Where applicable, a plan showing the extent and intensity of light trespass upon adjacent properties;

d. Signed certification that in no case shall such lighting be directed at roadways where such lighting could pose a public safety threat to vehicular traffic; and

e. An application ~~fee~~ for ~~the~~ a zoning certificate of compliance ~~which shall be issued by the zoning administrator~~.

A permit for temporary lighting, in the form of a zoning certificate of compliance, shall be issued for an operation period of no more than 30 days. Once the permit has been issued, it may be renewed in 30-day periods for up to a total of 90 days unless the permit is for lighting as described in subsection (d)(1). If operation is to continue past the close of the 90-day period, a new permit must be applied for and obtained. Temporary lighting of the type described in subsection (d)(1) shall be event-specific and shall not be permitted for a duration of more than five (5) days. In no case shall temporary lighting be permitted on a single property, in one or in multiple locations, for more than 180 days per calendar year.