



## Town of Southern Shores

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Ordinance 2012-12-01

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

#### ARTICLE I. Purpose(s) and Authority.

**WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 36 of the Town's Code of Ordinances (the "Town Code"); and

**WHEREAS**, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

**WHEREAS**, the Town further finds that outdoor lighting standards are necessary to provide desirable levels of lighting for adequate visibility, safety and security without unreasonably interfering with the use and enjoyment of neighboring properties; and

**WHEREAS**, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances as stated below.

#### ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

#### ARTICLE III. Amendment of Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that the Town Code shall be amended as follows:

**PART I.** That Section 36-166 [Outdoor Lighting] be amended as follows:

**Sec. 36-166. Outdoor lighting.**

(a) *Intent.* Outdoor lighting standards are hereby established to provide desirable levels of lighting for adequate visibility, safety and security without unreasonably interfering with the use and enjoyment of neighboring properties. This section is designed to provide uniform distribution of light that minimizes light trespass and controls glare on and off the property. All outdoor lighting shall be planned, erected, altered and maintained in accordance with the following provisions.

(b) *Lighting prohibited.*

- (1) Light fixtures that imitate an official highway or traffic control light or sign are prohibited.
- (2) Light fixtures in the direct line of vision with any traffic control light or sign are prohibited.
- (3) Light fixtures having ~~that have~~ a flashing or intermittent pattern of illumination are prohibited.
- (4) Privately owned light fixtures located in the public right-of-way are prohibited.
- (5) ~~Light fixtures that are a source of glare by their design, orientation or intensity are prohibited.~~
- (56) Searchlights are prohibited except when used by a federal, state or local authority.
- (67) Light fixtures that violate any law of the state relative to outdoor lighting are prohibited.
- (78) ~~General purpose area and Floodlights for illuminating sports floodlights~~ are prohibited except for to illuminate building facades and permitted outdoor recreational uses.
- (89) Illumination of the public beach and estuarine waters from uses that are not water dependent shall be prohibited.
- (910) Lighting of windsocks, fountains or flags is prohibited, ~~excepting the flags~~ of the United States of America flag, North Carolina state flag, official flag of the town or permitted flag sign.
- (1011) ~~Unshielded open vertical light fixtures are prohibited.~~ Light fixtures

directed overhead are prohibited.

(c) *General provisions.*

- (1) ~~All light sources shall be designed, oriented or shielded so that light produced on-site shall be contained within the perimeter of the site.~~
- (12) Exterior lighting shall not exceed ~~provide in excess of~~ one footcandle of light (forward or back lighting) measured at the property line of any adjacent property.
- (23) All wiring for outdoor lighting not located on a building shall be placed underground.
- (34) Principal buildings shall be lit ~~lighted~~ for security at intensities ~~intensity~~ no greater than permitted in the table in subsection (c)(78) of this section.
- (45) Floodlights shall not exceed 500 watts. When placed in a cluster the combined wattage shall not exceed the footcandle permitted in the table in subsection (c)(78) of this section.
- (56) Lighting fixtures shall be designed to withstand a minimum wind velocity of 130 miles per hour for a three second gust ~~(three-second gust)~~.
- (67) Freestanding light fixtures within commercial parking lots shall not exceed 35 feet in height, measured from ground level or lowest surrounding ground elevation, and in all other areas, shall not exceed 18 feet in height, measured from ground level. For purposes of this article, "ground level" shall be interpreted to mean the original site elevation before any site work or fill material is added.

(78) The following lighting intensity levels, measured at ground level in footcandles, shall be exempt from these restrictions. Permitted intensity levels may be approved by town council for reasonable cause.

Type of Outdoor Area or Use Permitted	Range of Average Footcandles Minimum--Maximum
<i>Parking Areas</i>	
Commercial parking lots	4.0--7
Industrial warehouses	0.5--1
<i>Building Exteriors</i>	
Loading platforms	10
Commercial entrances	5
Architectural	1
<i>Security</i>	
Commercial	1

Industrial	1
Walkways/roads	1
<i>Recreational</i>	
Baseball/football/soccer	25
Tennis/handball/volleyball	20
Basketball	10
Swimming pool	10
Playground	5

(d) *Site plan requirements.* The town shall require an outdoor lighting plan for review as part of the site plan review process for all uses other than one- and two-family dwelling units. Lighting plans submitted for review shall provide:

- (1) The rationale for the proposed lighting plan.
- (2) Evidence that a lower lighting level than that requested would not provide sufficient illumination.
- (3) Rationale for why the selected option was chosen for the particular site.
- (4) The stamp/seal, license number and signature of the design professional responsible for the plan. Design professional must be a professional engineer, architect or landscape architect licensed to practice in the state.

(e) *Light fixture (luminaire) specifications.* As part of the site plan submittal for all uses other than one-and two-family dwelling units, the design professional shall provide manufacturers technical specification sheets describing the fixtures to be used.

(f) *Measurements.*

- (1) Measurements are to be made in footcandles with a direct reading, portable light meter.
- (2) Unless otherwise specified, the meter sensor shall be mounted not more than six inches above ground level in a horizontal position to measure horizontal illumination. Vertical illumination shall be measured at a height of five feet with the sensor mounted not more than six inches from the wall surface and the meter sensor in the vertical position.

(g) *Inspection.* All outdoor lighting fixtures may be subject to annual inspection by the code enforcement officer to ensure compliance with the provisions of this article. When a fixture fails to comply, the code enforcement officer shall give written notice to the owner of the property on which the fixture is located stating that the fixture shall be brought into compliance, or removed at the owner's expense, within 30 days of receipt of the notice. The remedies set out in article XI of this chapter shall also apply to this section.

(Code 1988, § 11-6.04; Ord. No. 02-09-023, pt. I, 9-3-2002)

**ARTICLE IV. Statement of Consistency with Comprehensive Plan and Reasonableness.**

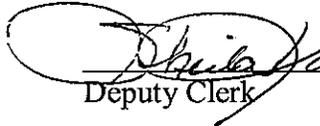
The Town's adoption of this ordinance amendment is consistent with the Town's adopted comprehensive zoning ordinance, land use plan and any other officially adopted plan that is applicable. For all of the above-stated reasons and any additional reasons supporting the Town's adoption of this ordinance amendment, the Town considers the adoption of this ordinance amendment to be reasonable and in the public interest.

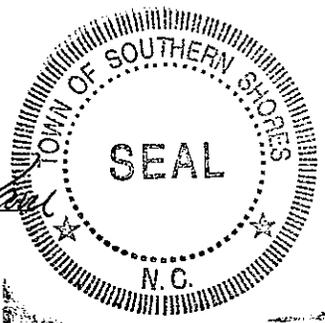
**ARTICLE V. Severability.**

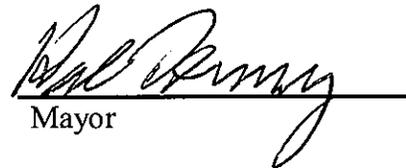
All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Southern Shores, North Carolina which shall remain in full force and effect.

**ARTICLE VI. Effective Date.**

This ordinance amendment shall be in full force and effect from and after the 4<sup>th</sup> day of December, 2012.

ATTEST:  
  
Deputy Clerk

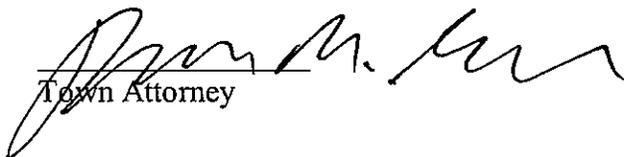


  
Mayor

Date: 12/04/2012

Vote: 5 Ayes 0 Nayes

APPROVED AS TO FORM:

  
Town Attorney