

**CITY OF MILFORD
PLANNING COMMISSION**

*Minutes of Meeting
March 17, 2009*

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, March 17, 2009.

PRESIDING: Vice Chairman Chuck Rini

IN ATTENDANCE: Commissioners Kim Stevenson, Karen McColley, Marvin Sharp, John Kramlich, Jason James

Also: City Planner Gary Norris, Department Administrative Assistant/Recording Secretary Christine Crouch

Mr. Rini called the meeting to order at 7:00 pm.

Mr. Rini recognized Mayor Marabello in the audience.

APPROVAL OF MINUTES

With a motion by Mrs. McColley, seconded by Mrs. Stevenson, the minutes from the February Planning Commission meeting were approved with amendments to the date and a correction to a typo on page four.

UNFINISHED BUSINESS

Amendment to City of Milford Signage Requirements/Zoning Code/Chapter 230

Mr. Norris requested this item of the agenda be moved to the end of the meeting in order to take care of the applications on the agenda first.

NEW BUSINESS

Mr. Rini explained the Concept Site Plan for Fisherhawke scheduled for this evening was withdrawn from this agenda via a fax received today. Mr. Norris explained he and Mr. Mark Mallamo, the City Engineer, have spoken with the applicant and based on those discussions determined the applicant should come before the commission for comments.

***Davis, Bowen and Friedel, Inc on behalf of Wilson Contracting, Inc & Richard K. Wilson, Sr.
Final Review and Recommendation of a Minor Subdivision***

3.00 +/- Acres into four lots at Elks Lodge Rd at the Intersection of Elks Lodge Rd and Johnson Rd

Tax Map 3-30-15.00-50.02; R-2 District

Adoption of Resolution PC09-008

Mr. Ring Lardner of Davis, Bowen & Friedel was present to represent the application along with the property owner Mr. Dave Wilson. The owner is seeking recommendation from the Commission on a final minor subdivision along Elks Lodge Rd. The subdivision will consist of three parcels that will front Elks Lodge Rd and one large parcel that will be at the rear of the property. Outside agency approvals have been obtained from the Fire Marshal, Conservation District and DeIDOT. The owner is requesting a waiver of sidewalks due to the fact no sidewalks exist on Elks Lodge Rd. Another reason for the waiver request is that if the owner comes back to the City for a major subdivision, DeIDOT will require a multi modal path along Elks Lodge Road. The applicant sees no reason to install sidewalks in front of three houses if DeIDOT will eventually require them be removed to install the multi modal path along the entire property frontage. The owner is willing to install the multi modal path when DeIDOT requires it.

Mr. Norris confirmed the lots will have on site septic and wells until City services are extended to this property. Mr. Lardner explained once City water and sewer mains are brought to this property, the homes will connect at that time.

Mr. Sharp commented he has heard in the past many applicants come in stating they are seeking a waiver of sidewalks because none exist near their property. If the Commission and/or Council doesn't require it, we won't ever have them. Mr. Lardner stated he is only asking they not be required at this time. The owner is willing to have them installed when and if a major subdivision is applied for and approved by the City. Mr. Sharp understood but he would like them installed prior to a Certificate of Occupancy issued. Mr. Norris confirmed that the three lots facing Elks Lodge Road would be required to have the multi modal path in front of them when a major subdivision is applied for, if DelDOT requires the path.

Mrs. McColley asked for clarification on when the developer will install sidewalks, ie in phases, at CO issuance, etc. Mr. Lardner stated DelDOT would require the multi modal path as part of the entrance approval, which is typically constructing in the beginning of the development process.

Mr. James understood the applicant and owner's issues with the sidewalks and agrees it seems unnecessary to install them only to have them removed later. He further understood Mr. Sharp's point as well. He felt if there were a date the applicant could specify the multi modal path would be installed it would not be such an issue to recommend the waiver of them.

Mr. Lardner explained without the water and sewer in the area he cannot possible give the commission a projected date that the multi modal path would be installed. Since the major subdivision can't be applied for until the city utilities are available, he cannot offer a date.

Mrs. Stevenson asked if the owner had a developer involved yet. Mr. Lardner stated no. The owner is going to build these houses and sell them himself. When asked how soon the major subdivision will be applied for, Mr. Lardner again stated he is unsure because the water and sewer lines are not run to the property.

Mr. Kramlich stated it makes perfectly good sense to him that the sidewalks be waived until the major subdivision is approved. There is no point in installing them and having to replace them when DelDOT requires a multi modal path.

Mrs. Stevenson asked how the commission could ensure the multi modal path goes in. Mr. Norris suggested the resolution the commission passes include the multi modal path installation at final major subdivision approval as a condition of approval. Mr. Sharp again reiterated he feels strongly that they be installed, even if they do have to be replaced.

Mr. Rini called for public comment. Hearing none he closed the public hearing.

A motion by Mr. Sharp to approve resolution PC09-008 with the condition that sidewalks for lots 1-3 are constructed prior to certificate of occupancy being issued was seconded by Mrs. Stevenson.

Mr. Kramlich asked the applicant if this was acceptable. He doesn't have a problem with the way the plan was presented. Mr. Wilson, the property owner, explained the sidewalks will have to be ripped up and replaced once DelDOT completes their review. Mr. Lardner reiterated there is not a single sidewalk along Elks Lodge Rd at this point and because the three lots face out of the subdivision and onto Elks Lodge Road, it seems futile to build them now. The motion carried with the following votes.

Mrs. McColley Yes. She can see both sides of the argument.

Mrs. Stevenson	Yes
Mr. Kramlich	Yes. He sees both sides of the issue as well.
Mr. Sharp	Yes
Mr. James	Yes
Mr. Rini	Yes

**Douglas Annand, PLS on behalf of Joseph Ashley Wolfe
Final Review and Recommendation of a Minor Subdivision
.557 +/- Acres into two lots at 18 Delaware Avenue
Tax Map 3-30-10.12-11.00; R-1 District
Adoption of Resolution PC09-007**

Mr. Doug Annand, the surveyor for the property, and Mr. Wolfe, the property owner, were present to represent the application. Mr. Wolfe owns the parcel and has a house on the property. He is seeking to subdivide and build another house on the second parcel.

Mr. Annand and Mr. Wolfe provided pictures on the overhead projection of the area streets and lots.

Mr. Annand explained this parcel was, a long time ago, two parcels that the county combined. He is aware the City code requires 80' of road frontage and that the proposed plan does not meet that requirement. The sidewalks are another issue. He is currently not proposing them because the sidewalk on Delaware Ave stops at Mr. Wolfe's property.

Mr. Norris commented his concern is the lot where dwelling is located would be a non conforming lot because of the lot width. Further, the new lot will be a corner lot, which requires 13,000 sq ft, which is also non conforming. The question at the DAC meeting was not just how to handle the sidewalks but also how the utilities would be connected.

Mr. Annand stated a grinder pump would have to be installed and then make the connection to it and then connect to the nearest manhole, which is in front of Mr. Wolfe's home on Delaware Ave.

Mrs. Stevenson questioned about the easement running through the newly proposed lot leading to the carport of Mr. Wolfe's dwelling. Mr. Annand explained it is an existing 20' wide stone driveway and the owner is seeking a shared access easement to utilize it.

Mr. Norris explained he has seen subdivisions in the past that are smaller than the code allows and referred them to the Board of Adjustment where they were granted approval, which is an option for this project as well.

Mr. Norris confirmed, based on the applicant's presentation, the owner is willing to install sidewalks along Delaware Ave, but does not wish to install them on Dixie Ave. Mr. Annand stated if they had to conform to the code, they would lose too much square footage making for a contorted lot. Mr. Wolfe stated if that were the case, the new dwelling would have to face Dixie Ave and Mr. Annand stated this proposal looks better.

Mr. Kramlich stated the sidewalk along Delaware Ave and not Dixie Ave was fine with him. He asked if the parcels were combined per the request of the owner or if the county did it on their own. Mr. Norris explained he is not sure what the case is with this particular lot, but the deed usually states separate lots if that was the case.

Mr. Sharp disagreed with Mr. Kramlich stating this project needs the sidewalks all the way around the property. The commission just made the minor subdivision before this one tonight have sidewalks installed.

Mrs. McColley agreed with Mr. Sharp in that the commission needs to be consistent. The railroad being in the area also persuades her. The lot size, however, fits fine in the area and she does not feel that is as big an issue.

Mr. Rini question who will be responsible for maintaining grinder pump. Mr. Wolfe understood it is his responsibility as the property owner.

Mr. Annand asked where the location of the sidewalk would be required on Dixie Ave, if required. Mr. Norris stated it would be in the public right of way. Mr. Wolfe was not certain there would be enough room along Dixie Ave to do that, as the street is narrow.

Mr. James felt the commission needs to be consistent with the sidewalk requirement.

Mr. Rini called for public comment. Hearing none, he closed the public hearing.

A motion by Mr. Sharp to approve resolution PC09-007 with the condition that sidewalks be installed on Delaware Ave and Dixie Ave, was seconded by Mr. James. Motion carried with the following poll of the commissioners.

- Mrs. McColley Yes
- Mrs. Stevenson No. This would create non-conforming lots.
- Mr. Kramlich Yes. He sees no need for sidewalks along Dixie Ave, but the commission needs to be consistent. He has no problem with the lot sizes.
- Mr. Sharp Yes. Lots were probably combined by the county.
- Mr. James Yes. Lots were probably combined by the county.
- Mr. Rini Yes

Wickersham Preliminary Major Subdivision/Approval Extension Tax Parcel 3-30-16.00-05.00

Mr. John Tracey was present to represent the application. This parcel was annexed in March of 2007 and received preliminary major subdivision approval in March of 2008. The final major subdivision is on hold not so much because of the economy but because city water and sewer are not in the area yet. Water however is coming along, from a design standpoint though, according to the City Engineer Mark Mallamo. There are however a number of other parcels along the way to this property that need to be considered for the sewer, which is why it is taking so long. Before the property owner can apply for the final major subdivision approval with the City, the engineers for the project need to know how the utilities will come to the property. The engineers for the project won't know that until the water and sewer are to the property.

Mr. Norris asked if the extension is approved will final major subdivision application be applied for soon. Mr. Tracey stated as soon as the infrastructure is available, they can submit very quickly. Without that key piece of information, they cannot complete final major subdivision plans.

Mrs. Stevenson asked if there will be sidewalks in the development. Mr. Tracey stated there will be – on both sides of the streets.

Mr. Rini called for public comment. Hearing none, he closed the public hearing.

Mrs. Stevenson made a motion to recommend approval of the extension request, which was seconded by Mrs. McColley. Motion carried with the following votes.

- Mrs. McColley Yes
- Mrs. Stevenson Yes
- Mr. Kramlich Yes

Mr. Sharp	Yes
Mr. James	Yes
Mr. Rini	Yes

**Element on behalf of Nephrology Associates, Inc
Preliminary Site Plan - Medical Facility/Office
3.05 +/- Acres at 201 West Liberty Way, Lot 17, Independence Commons
Tax Map MD-16-173.00-01-02.21; OC-1 District
Adoption of Resolution PC09-006**

Mr. Doug Warner and Mr. Matthew Peterson with Element Engineering on behalf of Nephrology Associates were present to represent the application. Mr. Warner provided an overview of the project and presented a powerpoint presentation to the commission. They are proposing a one story "L" shaped building to take up roughly half of the site, with the other half of the site available for future development. There are existing utilities on site and stormwater management is provided at the park as well. Because this is a corner lot, they have provided for the required two front yard setbacks and are meeting the rear and side yard setback as well as required parking. The impervious surface is proposed at 28% of the site. The signage was discussed at the DAC meeting and after reviewing the Independence Commons deed restrictions have been relocated to come into compliance with them.

Extra parking is being proposed because it will provide more accessibility for the patients. This is a very straight forward site plan, including landscaping. More renderings of the building will be provided at final site plan submission.

Mr. Norris confirmed all of the DAC comments have been addressed, including sidewalks and signage. He questioned if there are any other nephrology offices in Delaware. Mr. Warner stated there is one in New Castle County and one in Georgetown, but this site is looking to expand into dialysis as well, which would be in an additional building in the future.

Mrs. Stevenson commended Mr. Warner and Mr. Peterson on their work and asked if sidewalks could be added along Airport Road. Mr. Warner felt the owner would be agreeable to that request.

Mr. Norris explained the commission must be consistent when other parcels come in for site plan approvals in Independence Commons.

Mr. James also commended the applicant on their work.

Mr. Rini called for public comment.

Mr. Mark Mallamo, the City Engineer, explained there may be technical difficulty with installing sidewalks on Airport Rd because it is open swale system and does not have the drainage to accommodate sidewalks. He has requested additional funds in his budget to have a multi modal path installed along Airport Rd, since it is a City maintained street.

Mr. Sharp asked if Mr. Mallamo could address those difficulties prior to the application coming back for final site plan approval. Mr. Mallamo felt the difficulties would be too extensive. He remembered a month ago when Response Computer Group was approved for a preliminary site plan and sidewalks on Airport Road were not mentioned to them.

Mr. Norris asked the applicant how they would feel about installing the sidewalk on their property on Airport Road, on the North side of the swale not in the public right of way, out of the drainage easement. Mr. Warner

stated they would like time to investigate that option, but would prefer it not be a condition of the preliminary approval, potentially a condition of final site plan approval instead. He would not want to commit to that responsibility without further understanding the drainage issues.

Mr. Rini closed the public hearing.

A motion by Mr. Jason to approve the resolution with the condition that the applicant will evaluate the feasibility of installing sidewalks inside the applicant’s property line along Airport Rd was seconded by Mrs. Stevenson. Motion carried with the following vote.

Mrs. McColley	Yes
Mrs. Stevenson	Yes
Mr. Kramlich	Yes
Mr. Sharp	Yes
Mr. James	Yes
Mr. Rini	Yes

**Merestone Consultants Inc on behalf of Mispillion Street Partners
Conceptual Site Plan – Multifamily Residential Development
3.892+/- Acres at 401 Mispillion Street, Fisherhawke Landing
Tax Map 3-30-7.17-011.00**

Merestone Consultants on behalf of Mispillion Street Partners withdrew their application today via fax.

Mr. Rini explained the commission will now return to unfinished business.

Amendment to City of Milford Signage Requirements/Zoning Code/Chapter 230

Mr. Norris referred to two hand outs provided. One is a table showing the existing signage code with proposed changes to it and the other is a proposed LED sign guideline.

Beginning with the chart handout, Mr. Norris reviewed each of the zoning district’s currently allowed signage and the proposed changes. Mr. Norris explained the monument sign requirements would be changed to allow first allow for larger square footage signs, if the property had more than the minimum required 80’ road frontage, in increments of 2 square feet per each 5’ of additional road frontage, with a maximum of 32 square feet of signage permitted. The second change to monument signage is to discontinue freestanding signs and replace that with monument signs, defined as any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

ZONING

City of Milford

Sign Types and Allowable Dimensions and Restrictions

Zoning Dist	Types of Signs																				
	Wall or Mailbox (residence/occupant ID)		PROPOSED:	Freestanding (mounted on posts(s))		PROPOSED: Monument	Fascia: Commercial (wall, roof edge, etc) (of wall square feet)	PROPOSED:	Hanging/ Projecting (extended from wall) (square feet)	PROPOSED:	Marquee (movable letters)		PROPOSED:	Illuminated (non flashing)		PROPOSED:	PROPOSED: LED	Mobile (mounted, trailer, etc.)	PROPOSED:	Billboard (outdoor advertisement)	PROPOSED:
	Ht	Sq Feet		Ht	Sq Feet						Ht	Sq Feet		Ht	Sq Feet						
R-1	42"	2	42" ht, 2'	N/A	N/A	48" ht, 12' *	N/A	5%	N/A	n/a	N/A	N/A	n/a	N/A	N/A	n/a	n/a	N/A	n/a	N/A	n/a
R-2	42"	2	42" ht, 2'	N/A	N/A	48" ht, 12' *	N/A	5%	N/A	n/a	N/A	N/A	n/a	N/A	N/A	n/a	n/a	N/A	n/a	N/A	n/a
R-3	42"	2	42" ht, 2'	N/A	N/A	48" ht, 12' *	N/A	5%	N/A	n/a	N/A	N/A	n/a	N/A	N/A	n/a	n/a	N/A	n/a	N/A	n/a
C-1	42"	2	42" ht, 2'	48"	4	48" ht, 4'	10%	10%	15	15'	48"	9	48" ht, 9'	48"	4	48" ht, 4'	n/a	N/A	n/a	N/A	n/a
C-2	N/A	N/A	n/a	48"	4	48" ht, 4'	10%	10%	20	20'	48"	9	48" ht, 9'	48"	4	48" ht, 4'	n/a	N/A	n/a	N/A	n/a
C-3	N/A	N/A	n/a	28'	225	6' ht, 225'	10%	10%	20	20'	10'	48	10' ht, 48'	28'	225	28' ht, 225'	28' ht, 20'	N/A	n/a	N/A	n/a
H-1	N/A	N/A	n/a	25'	70	6' ht, 70'	5%	5%	N/A	n/a	N/A	N/A	n/a	25'	70	25' ht, 70'	n/a	N/A	n/a	N/A	n/a
OC-1	N/A	N/A	n/a	28'	225	6' ht, 225'	5%	5%	N/A	n/a	10'	48	10' ht, 48'	28'	225	28' ht, 225'	n/a	N/A	n/a	N/A	n/a
I-1	N/A	N/A	n/a	28'	200	6' ht, 200'	5%	5%	N/A	n/a	10'	48	10' ht, 48'	28'	200	28' ht, 200'	n/a	N/A	n/a	N/A	n/a
I-2	N/A	N/A	n/a	28'	200	6' ht, 200'	5%	5%	N/A	n/a	10'	48	10' ht, 48'	28'	200	28' ht, 200'	n/a	N/A	n/a	N/A	n/a

NOTES:

1. Sidewalk or pedestrian areas are not to be obstructed in any way by signs of any type.
2. Variances for dimensional increases in area, height or coverage must be submitted for review and determination by the Board of Adjustment of the City of Milford. Violations of the requirements set forth in the above chart shall be deemed as a violation of this chapter and will be subject to the penalties herein described.
3. All signs whose primary function it is to direct attention to the identity of the business, professional or industrial activity and which describes said nature of such operation shall be deemed a business sign (this is applicable within the C-1, C-2, C-3, I-1 and I-2 Districts). Such signs shall not exceed two in number on any one road frontage. For additional information concerning signage requirements, see §230-25 of Article VII of this chapter, which addresses additional guidelines for specific zoning districts. Any requirements not specifically addressed shall be forwarded to the Chief Code Official, and, if the applicant wishes to appeal said decision, a hearing may be requested and said pertinent information presented to the Board of Adjustment for its review and decision.
4. Monument Signs are any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

*An additional 2 feet may be added to the square footage of the sign for each 5' of road frontage the property has above 80', not to exceed a 32 square foot sign.

The other proposed change is to include LED signs in the sign ordinance. Currently anyone that wants an LED sign must go before the BOA to have it approved because the code does not discuss LED signs. Mr. Norris discussed the proposed LED sign guidelines handout provided.

PROPOSED LED SIGN GUIDELINES

LED (Electronic Light Emitting Diode) Signs Shall:

- a) Contain static messages only, and shall not have movement nor flashing on any part of the sign, sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of any single message.*
- b) May not operate at brightness levels of more than 0.20 foot candles above ambient light levels as measured at the following distances:*
- | <i>SIGN SQ. FEET</i> | <i>DISTANCE</i> |
|----------------------|-----------------|
| <i>< 200'</i> | <i>150'</i> |
| <i>> 201'</i> | <i>200'</i> |
- c) The owner of said sign shall arrange for an annual certification of the lumens showing compliance by an independent contractor and provide said certification to the City of Milford.*
- d) Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.*
- e) No LED sign shall be located within 5,000 feet of another LED sign on either side of the road.*
- f) Shall meet the same installation and permitting requirements and inspections as set out for all other signs.*
- g) The owner of said sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.*
- h) The owner of said sign shall provide to the City of Milford contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs. If, at any time, more than 95% of the LED display lights malfunction or are no longer working, the owner of said LED sign shall make repairs to the sign within sixty (60) days or the sign will require removal.*
- i) If the City of Milford finds that the LED sign causes a glare or otherwise impairs the vision of the driver of a motor vehicle, the owner of the sign, within twenty four (24) hours of a request by the City, shall reduce the intensity of the sign to a level acceptable to the City.*
- j) Each sign must comply with all Delaware Department of Transportation rules and regulations applicable to Electronic Changeable Message Signs or LED signs where not in conflict with this Ordinance.*
- k) No LED sign shall exceed 20 square feet.*

Mr. Sharp felt 5,000 feet between signs was too much. That would be about a mile between signs. He would suggest a smaller distance.

Mr. Rini felt LCD needed to be included as well as LED.

Mr. Kramlich requested the Monument signage allowed in residential districts not be increased.

Mr. Sharp, Mr. James and Mr. Rini agreed design standards should be added to the sign ordinance as well.

Mr. Kramlich added he is completely against making any proposed sign ordinance changes retroactive, meaning once a new ordinance is passed business owners will be required to bring their existing signs into compliance.

Mr. Norris felt the site plan chapter would have to be changed in order to include signage review during site plan approval.

Mrs. McColley requested the Historical Districts have their own separate design criteria as well.

Mayor Marabello introduced Nancy Chirdon, the Vice President of Downtown Milford Inc. Ms. Chirdon felt the sign ordinance needs to be changed, but warned the commission that putting restrictions such as design criteria could upset small business owners that have defined ideas in their mind about how their business sign should look.

City Planner's Monthly Report

Mr. Norris was provided with proposed lighting guidelines by Mrs. Stevenson. Mrs. Stevenson explained she has done research on the subject and came up with the following:

LIGHTING ORDINANCE

This Ordinance shall be known and may be cited as the "Lighting Ordinance of the City of Milford" and will be hereafter in this document referred to as the "ordinance".

A. Statement of Need and Purpose

The City of Milford recognizes the following:

- 1. Improperly located lighting can cause unsafe and unpleasant condition;*
- 2. Excessive lighting can cause unsafe, unhealthful and unpleasant conditions, waste electricity and threaten the natural environment;.*
- 3. Obtrusive lighting and light trespass can cause unsafe and unpleasant conditions;*
- 4. Proper lighting can enhance safety and enjoyment of the built environment;*
- 5. Illumination levels should be appropriate to the visual task.*

This ordinance is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

- 1. Allow appropriate lighting levels to preserve safety, security, and the nighttime use and enjoyment of property;*
- 2. Reduce light pollution, light trespass, glare, and offensive lighting;*
- 3. Promote energy conservation;*
- 4. Allow people in residential areas to view the stars against a dark sky;*
- 5. Enhance the aesthetics of the built environment; and*
- 6. Protect the character of the natural environment and preserve ecological values.*

B. Maximum Lamp Wattage and Required Luminaries or Lamp Shielding:

All lighting installations shall be designed and installed to be fully shielded (full cutoff), except as in exceptions below, and shall have a maximum lamp wattage of 250 watts for commercial lighting, 100 watts incandescent,

and 26 watts compact fluorescent for residential lighting. In residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

C. Applicability

1. *New construction/uses. The provisions of this ordinance shall apply to parking lots, buildings, structures, and land uses established after the effective date of this ordinance.*
2. *Expansion and redevelopment. The provisions of this ordinance shall apply to the entire building/structure, parking area, or use, as appropriate, under the following conditions:*
 - a. *When a building or structure is expanded in size by 25 percent or more;*
 - b. *When the area of a parking area is expanded by 25 percent or more;*
 - c. *If existing lighting is shown to be a safety hazard;*
 - d. *When an outdoor use (e.g., outdoor storage, vehicle sales) is expanded by 25 percent or more; and*
 - e. *Any other activity subject to site plan or subdivision review, and*
 - f. *During the course of natural upgrades and maintenance so all lighting in the city will comply by January 2025.*
3. *Exemptions. The following are exempt:*
 - a. *Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.*
 - b. *Exit signs and other illumination required by building codes.*
 - c. *Lighting for stairs and ramps, as required by the building code.*
 - d. *Signs are regulated by the sign code, but all signs are to be fully shielded.*
 - e. *Holiday and temporary lighting (less than thirty days use in any one year).*
 - f. *Football, baseball, softball and other sport field lighting utilizing sensible curfews (not past 10 p.m. unless in conjunction with an event already started and continuing before that time).*
 - g. *Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.*
4. *Severability and conflicts with other ordinances*
 - a. *Validity and Severability: Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.*
 - b. *Conflict with Other Ordinances: Should any section or provision of this Ordinance be found to be in conflict with any other municipal ordinance or regulation, the more stringent section or provision shall prevail.*
5. *Additional Requirements:*
 - a. *Residential Outdoor lighting. Lighting attached to single-family home structures should not exceed the height of the eave and should be shielded such that the lamp image is not directly visible outside the property perimeter.*

Do we want to consider the following restrictions? ** are ones I think are worth a close look

- A. *Pole-mounted luminaries. Luminaries shall not be taller than 15 feet in residential and downtown zoning districts or when placed within 50 feet of a residential zoning district. In all other zoning districts, luminaries shall not be taller than 30 feet;*

- B. *Building-mounted luminaries. In non-residential zoning districts, building-mounted luminaries shall not be attached to a sloped roof and shall not be taller than 30 feet or the height of the principal building, whichever is less. The use of wall-pack luminaries is discouraged;*
- C. *Overhead electrical lines prohibited. For new installations, electrical lines for luminaries mounted on freestanding poles shall be placed underground between poles.*
- D. *Material for light poles. Light poles shall be anodized, painted or otherwise coated so as to minimize glare from the light source;*
- E. *** Continued maintenance. Lighting installations shall be maintained in good repair to meet the provisions of this ordinance on an on-going basis;*
- F. *** Lighting curfew. For parcels with non-residential uses, lighting in vehicle parking areas containing 20 parking spaces or more shall be reduced to 50 percent one hour after the business closing to one hour before the business opens.;*
- G. *** Luminaire types. Full-cutoff luminaries shall be used in parking areas, along internal streets, and along pedestrian ways. The City/town may allow cutoff luminaries or semi-cutoff luminaries in these locations when the overall uplight would be less than for full-cutoff luminaries. To promote a unified development theme, post top luminaries (also referred to as period lighting) may be used as an alternate if they have built-in reflectors that effectively eliminate uplight. Except as provided in this ordinance, all other luminaries shall be directed downward and the light source shall be shielded so that it is not visible from any adjacent property;*

D. Other Guidelines

1. *Flag poles, statues and similar monuments. A flag pole bearing a state flag, a flag of the United States or a flag of a foreign nation may be illuminated, provided the following standards are met:*
 - a. *The luminaries shall be fully shielded.*
 - b. *Upward aiming luminaries shall be placed as close to the base as possible.*
 - c. *The luminaries shall not collectively exceed 40,000 mean lumens.*
 - d. *Public statues, memorials or other similar monuments may also be lighted upon approval by the planning board, provided the above standards are met.*
2. *Building façade lighting. The exterior of a building may be lighted provided the following standards are met:*
 - a. *The lighting is done to accentuate an architectural or aesthetic element of the building, not the entire building.*
 - b. *The light shall only be directed onto the building façade and not spillover beyond the plane of the building.*
 - c. *Upward aimed lighting shall not exceed 4,000 mean lumens per accent feature, shall be fully shielded, and mounted as flush to the wall as possible.*
 - d. *Lighting exceeding 4,000 mean lumens per accent feature shall be aimed downward, fully shielded, and mounted as flush to the wall as possible.*

E. Definitions

Glare: Intense and blinding light. Causes visual discomfort or disability.

Landscape lighting: Luminaries mounted in or at grade (but not more than 3 feet above grade) and used solely for landscape rather than any area lighting.

Obtrusive light: Spill light that causes glare, annoyance, discomfort, or loss of visual ability. Light Pollution.

Luminary (light fixture): A complete lighting unit consisting of one or more electric lamps, the lamp holder, any reflector or lens, ballast (if any), and any other components and accessories.

Fully shielded (full cutoff) luminary: A luminary emitting no light above the horizontal plane.

Spill light: Light from a lighting installation that falls outside of the boundaries of the property on which it is located. Usually results in obtrusive light.

Light trespass: Light falling where it is not wanted or needed. Light trespass is intrusive lighting. Spill light (also called stray light) is light falling outside of the intended area, and it can result in light trespass. Light coming into a yard or bedroom window at night from streetlights, the nearby car dealer or mall, or from a neighbor's security light is light trespass. This type of light pollution usually has glare and always wastes both light and energy.

After reviewing the additional requirements Mrs. Stevenson suggested the commission review, it was suggested Mr. Norris request Mr. Rick Carmean, the Electric Department Superintendent, review this proposal and speak to the Commission at the next meeting.

The group consensus was that the liked what Mrs. Stevenson has drafted thus far and felt the lighting plan could be reviewed by the commission during the site plan review of projects to ensure it is being adhered to.

Element: Mr. Norris commented he was impressed with Element's presentation and would like to see more applicants be as prepared. The commission directed Mrs. Crouch to contact Element and request permission to use their powerpoint as an example for other applicants when submitting.

Comprehensive Plan: Mr. Norris explained he met with DNREC this afternoon to discuss the City's well head protection ordinance and recharge area protection ordinance. When the comp plan was prepared, the last book included reference materials, such as these two ordinances, which had already been approved by Council. When the Comp Plan was circulated for review by state agencies, DNREC commented they would like items in these two ordinances changed. While the changes are minor and agreeable to the City, it is holding up the process of having the plan certified by the Governor. Mr. Norris is working diligently with DNREC and the Office of State Planning to have the issue resolved and will keep the Commission abreast of any changes.

With no further business, a motion to adjourn by Mrs. McColley was seconded by Mr. James. The meeting adjourned at 9:19 pm.

Respectfully submitted,



Christine R. Crouch

Department Administrative Assistant/Recording Secretary