

**COUNTY ADMINISTRATOR'S OFFICE  
P. O. BOX 111  
ORANGE, VIRGINIA 22960**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, May 8, 2018, the following action was taken:

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**180508 – PH3**

**RE: PUBLIC HEARING #3; PROPOSED AMENDMENT TO THE ZONING ORDINANCE (ZTA 18-04)**

On the motion of Mr. Goodwin, seconded by Mr. Frame, which carried by a vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE II (ADMINISTRATION) AND ARTICLE V  
(SUPPLEMENTARY DISTRICT REGULATIONS), SECTION 70 (ZONING), OF THE ORANGE COUNTY CODE OF  
ORDINANCES CONCERNING EXTERIOR LIGHTING

WHEREAS, staff previously initiated Planning Commission action on amendments to Article II (Administration) and Article V (Supplementary District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning exterior lighting; and

WHEREAS, the County Attorney and Planning and Zoning Director prepared recommended language for the text amendments, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the proposed text amendments on April 5, 2018; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on May 8, 2018, to receive public comment; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented during its meeting; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 8<sup>th</sup> day of May, 2018, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article II (Administration) and Article V (Supplementary District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning exterior lighting, as presented and attached.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

**MOTION APPROVED**

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R. Bryan David  
County Administrator

cc: Glenda Bradley, Assistant County Administrator for Finance and Management Services  
Connie Clark, Accountant  
Thomas Lacheney, County Attorney  
Josh Frederick, Planning and Zoning Director  
File: Board Actions 2018

Attachment: Adopted Amendments to the Orange County Code of Ordinances

**Amendments to the Orange County Code of Ordinances**

**As adopted in Ord. No. 180508 – PH3  
by the Orange County Board of Supervisors  
on May 8, 2018**

**Chapter 70 - Zoning**

**Article II - Administration**

**Division 4 - Zoning Permits and Site Plans**

**Sec. 70-118. - Minor site plans.**

[...]

(c) Contents of plan. In addition to the administrative site plan elements specified in Sec. 70-117(c), a minor site plan shall also depict, as appropriate:

- 1) Project name, a written description of the proposed use(s), current property owner(s) and address(es), and the plan preparer's information;
- 2) A vicinity map;
- 3) The zoning classification of the property;
- 4) Approval blocks for relevant review departments and/or agencies;
- 5) All information necessary to show compliance with the parking, loading/unloading, and landscaping requirements pursuant to Article V, Division 5 of this chapter;
- 6) Any required buffer yards and the associated fencing and landscaping;
- 7) Any known places of burial;
- 8) All easements;
- 9) All existing and proposed utilities;
- 10) North, south, east, and west elevation drawings for all principal structures;
- 11) Proposed signage;
- 12) Photometric drawings and fixture/installation details for all exterior lighting;
- 13) Existing topography and proposed final grades;
- 14) The extent of any land disturbance and all erosion control measures and plans pursuant to Chapter 26 of this Code and/or requirements of the Code of Virginia;
- 15) The name, phone number, certification number, and certification expiration date for the designated responsible land disturber(s), pursuant to Chapter 26 of this Code;
- 16) The location of any flood hazard areas, mapped dam inundation zones, or previously-delineated/identified wetlands present on the site; and
- 17) All proposed transportation improvements within the site and external to the site.

[...]

**Sec. 70-119. - Major site plans.**

[...]

(c) Contents of plan. In addition to the minor site plan elements specified in Sec. 70-118(c), a major site plan shall also depict, as appropriate:

- 1) The owners, tax parcel numbers, sources of title, zoning classifications, and current uses of all adjacent properties;
- 2) A current boundary survey of the site;
- 3) Existing and proposed lot coverage ratios;

- 4) The estimated daily vehicular trip generation figures for the development;
- 5) Provisions and best management practices for addressing stormwater requirements;
- 6) Details for any retaining walls;
- ~~7) Photometric drawings for all exterior lighting;~~
- 7) Tree-save areas and/or areas to remain undisturbed;
- 8) Any proposed phasing of development;
- 9) A soils evaluation;
- 10) The identification and delineation of any wetlands;
- 11) The design and placement of any refuse facilities; and
- 12) Any information related to existing archeological or historical resources.

[...]

## **Article V - Supplementary District Regulations**

### **Division 3 - Building Standards**

#### **Sec. 70-624. - Exterior lighting.**

- (a) *Purpose.* The purpose of this section is to regulate exterior lighting in order to:
- (1) Permit the use of exterior lighting at the minimum levels necessary for nighttime safety, utility, security, productivity, enjoyment, and commerce;
  - (2) Ensure exterior lighting does not adversely impact land uses on adjacent lands by minimizing light trespass, obtrusive light, and glare;
  - (3) Ensure the safety of motorists by minimizing light spillage and glare onto adjacent streets;
  - (4) Curtail light pollution, reduce sky glow, and preserve the nighttime environment for astronomy, wildlife and the enjoyment of residents and visitors;
  - (5) Conserve energy and resources to the greatest extent possible; and
  - (6) Ensure security for persons and properties.
- (b) *Applicability and compliance.* The provisions of this section shall apply to all nonresidential development, all single-family attached residential development (i.e. townhome complexes), and all multi-family residential development (i.e. apartment complexes), pursuant to the subsections below:
- (1) *Nonconforming lighting.* Exterior lighting in existence before October 27, 2015 that does not comply with this section may remain in place. Any exterior lighting associated with the above uses which was installed on or after October 27, 2015 shall be brought into compliance with this section no later than December 31, 2020.

No changes to the use, location, height, or features of exterior lighting fixtures shall be allowed except in conformance with current exterior lighting standards. Changing the housing or lenses in a lighting fixture and routine lighting fixture maintenance (such as changing lamps or light bulbs, ballast, starter, photo control, or other similar components) are allowed if such actions do not result in a higher lumen output or increased dispersion of light from the fixture.

- (2) *Exemptions.* The following are exempt from the standards of this section:
  - i. Lighting within or adjacent to a public street right-of-way/easement that is used principally for illuminating the roadway;
  - ii. Lighting exempt from this section as a matter of state or federal law;
  - iii. FAA-mandated lighting associated with a utility installation or airport;
  - iv. Lighting for public monuments and statuary;
  - v. Temporary lighting for special events, provided such lighting is discontinued upon completion of the event;

- vi. Temporary lighting for active construction sites, provided such lighting is discontinued upon completion of the construction activity;
- vii. Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation;
- viii. Security lighting controlled and activated by motion sensor devices for a duration of fifteen (15) minutes or less;
- ix. Lighting associated with barns, paddock areas, livestock pens, and other structures and areas used for bona fide agricultural purposes, but not including lighting of residential buildings, parking areas, or other associated commercial uses which may be located on the property;
- x. Low-voltage landscape lighting;
- xi. Underwater lighting in swimming pools, fountains, and other water features; and
- xii. Holiday or festive lighting, provided such lighting does not cause unsafe glare on or near public street rights-of-way.

(3) *Compliance.* For new development and redevelopment, a minor site plan or major site plan as required pursuant to Article II of this Ordinance shall be utilized to demonstrate compliance with this section. For other situations, the Zoning Administrator may utilize other means of determining compliance.

(c) *Prohibited lighting.* The following types of lighting are prohibited:

- (1) Luminaries that imitate an official highway or traffic control light or sign;
- (2) Luminaries that obscure or inhibit visibility of any traffic control light or sign;
- (3) Luminaries that have a flashing or intermittent pattern of illumination, except as may be permitted for time or temperature displays and for digital signs;
- (4) Privately-owned luminaries located in a public right-of-way or on public property;
- (5) Searchlights and aerial lasers, except when used by federal, state, or local authorities;
- (6) Open-flame gas lamps;
- (7) Mercury vapor luminaries; and
- (8) Luminaries equipped with adjustable mounting devices permitting alteration of luminaire aiming on the fly.

(d) *Exterior lighting standards.* The following standards shall apply to all lighting permitted pursuant to this section:

(1) *General.*

- i. *Shielding.* All luminaries shall be fully shielded and full-cutoff, either by fixture design or as a decorative design with full-cutoff optics.
- ii. *Focused lighting.* All lighting shall be controlled and directed so as to be confined only to the object(s) intended to be illuminated. Directional shielding may be used to meet this standard. Except for exterior accent lighting, all lighting shall be generally directed and focused downward.
- iii. *Spillover light.* Lighting intensity shall not exceed 0.5 foot-candle at the property line(s) of the parcel(s) on which the development is constructed. For developments with multiple lots and a master lighting plan, this standard shall apply to the perimeter of the development as a whole.
- iv. *Mounting height.* Unless otherwise required by the County Code or approved as a condition of a Special Use Permit or Special Exception, the maximum height of a luminaire installed for residential development shall be twenty (20) feet, and twenty-five (25) feet for all other development. Mounting height shall be measured from the bottom of an installed luminaire to finished grade below.

(2) *Canopies.*

- i. *Luminaire installation.* Luminaries in canopies, such as those associated with vehicle refueling facilities, drive-through windows, etc., shall be recessed into the canopy ceiling so that the bottoms of the luminaries are flush with the ceiling. Alternatively, indirect lighting may be used where light is directed upward to and reflected

- downward from the underside of the canopy, with the luminaries shielded so that direct illumination is focused exclusively on the underside of the canopy.
- ii. *Prohibited installations.* No lighting shall be installed on the sides or top of any canopy, with the exception of an internally-illuminated logo sign. For the purpose of this section, digital signs other than those utilized strictly for displaying fuel prices shall be considered exterior lighting and shall be prohibited from being located on any canopy.
  - iii. *Light containment.* Horizontal illumination shall not exceed twelve (12) foot-candles at the perimeter of the canopy.
- (3) *Ground-mounted accent lighting.* Ground-mounted spotlighting and floodlighting used to provide accent illumination for buildings, landscapes, signs, and other exterior features of a development shall be installed such that the central axis of the light beam from the luminaire does not exceed an angle of forty-five (45) degrees from finished grade.

Secs. 70-625 – 70-645. – Reserved.