

## SUPPORTING DOCUMENT FOR ORDINANCE 2024-O-37

### CHAPTER 28 – DARK SKY ORDINANCE

#### ARTICLE I. – IN GENERAL

##### Sec. 28-1. – Purpose

The purpose of this chapter is to create standards for outdoor lighting that do not interfere with the reasonable use of commercial site and residential site property, that prevent light trespass, and conserve energy yet maintain night time safety. The regulations in this chapter seek to mitigate the adverse impacts of inappropriate outdoor lighting and lead to desired outcomes such as improved enjoyment of property; increased health and safety of residents and others; improved nighttime ambiance and aesthetics; and diminished adverse impacts on natural wildlife and ecosystems.

##### Sec. 28-2. – Definitions

**Director** means the city’s zoning administrator, or the director’s designee.

**Full cutoff** means a luminaire emitting no luminous flux above the horizontal plane. Drop lenses are not allowed. Minimal up light caused by the reflection of light from support structures or arms shall not disqualify what is otherwise defined as a full cutoff light fixture.

**Holiday Lighting** means any low wattage seasonal decorative lighting.

**Level of Activity** means the principal use for outdoor parking facilities, with activities levels Low, Medium, and High defined below:

**Low Activity:** E.g., employee parking, educational facility parking, office parks, multi-family parking, and church parking.

**Medium Activity:** E.g., shopping centers, retail parking areas, mixed use multi-family and retail parking, hospital and clinic parking areas, transportation parking (commuter lots), cultural, civic or recreational events, and fast-food facilities.

**High Activity:** E.g., facilities for major or league athletic events or major cultural or civic events.

**Light fixture** means the assembly that holds a lamp, or lamps. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**New Outdoor Lighting** shall mean lighting installed after the effective date of this chapter.

**Temporary Lighting** means lighting installed with temporary wiring and operated for less than 60 days in any calendar year.

##### Sec. 28-3. – Conformance with Applicable Codes

All outdoor lighting fixtures (luminaires) shall be installed in conformance with the provisions of this chapter, the Building Code, the Electrical Code, and the Sign Code of the City as applicable and under appropriate permit and inspection.

**Sec. 28-4. – Applicability**

- (1) The requirements of this Code are applicable to all new outdoor lighting in new developments, buildings, additions, and structures requiring an architectural control approval as described in Section 25-1.
- (2) Lighting submitted under the SmartCode Zoning District.

**Sec. 28-5. – Exempt Lighting**

- (1) Code required exit signs.
- (2) Code required lighting for stairs and ramps.
- (3) Interior lighting.
- (4) Lighting required, regulated, and/or permitted by any federal, state, municipal agency.
- (5) Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
- (6) Lighting for one and two-family dwellings
- (7) Holiday lighting.
- (8) Temporary lighting used for emergency services.
- (9) Right of Way lighting including public streetlights.
- (10) Lighting associated with Large Scale Festival Events as outlined in Sec. 54.26 of the general code of ordinances.

**Sec. 28-6. – General Requirements**

- (1) All new outdoor lighting subject to regulations of this chapter under 28-4, and installed and maintained on property, private or public, shall comply with all of the following:
  - (a) Light sources shall be full cutoff fixtures with the light source fully shielded and directed downwards and inwards.
  - (b) In no instance shall the amount of illumination attributable to outdoor lighting, as measured at the property line, exceed 0.50 footcandles above ambient lighting conditions on a cloudless night.
  - (c) No lights shall be mounted above the parapet, or for pitched roofs above the eave except for motion detection security lighting, decorative building lighting.
- (2) All outdoor lighting fixtures shall be maintained according to approved plans.

**Sec. 28-7. – Specific Lighting Standards**

- (1) Horizontal Illuminances for Parking Facilities.
  - a. Open Parking Facilities.

Level of Activity	General Parking & Pedestrian Area	Vehicle use Area (Driveway)
	Max. Avg. Footcandles on Pavement	Max. Avg. Footcandles on Pavement
High	3.75 fc	2.5 fc
Medium	2.5 fc	1.5 fc
Low	1.5 fc	1.0 fc

b. Covered Parking Facilities.

Areas	Max. Avg. Footcandles on Pavement
General Parking and Pedestrian Areas	9 fc
Private Controlled Entry Parking	6 fc

<sup>1</sup> Not Mandatory within four (4) feet of the pavement edge.

- (2) Building and accent architectural lighting.
  - a. All building lighting must conform to the general requirements of Section 28.6 of this code.
- (3) Outdoor merchandizing and display lots.
  - a. The maximum initial illumination level in 75% of the lot shall not exceed 20 footcandles. A contiguous area not to exceed 25% of the lot may be illuminated to a level which shall not exceed 40 footcandles.

**Sec 28-8. – Lighting Plan**

- (1) Submittal Required. Any application for design review pursuant to Section 25-1 and Section 35-136 shall include evidence that the proposed work will comply with this chapter. The evidence shall include but shall not necessarily be limited to the following:
  - (a) A catalog page, cut sheet or photograph of the lighting fixtures, including the mounting method.
  - (b) A photometric data test report of the proposed lighting fixture graphically showing the lighting distribution in all angles vertically and horizontally around the fixture.
  - (c) A plot plan showing the location of all outdoor lighting fixtures proposed, the mounting or installation height, the overall initial illumination levels and uniformities and the point where 0.5 horizontal footcandles occurs on the property at ground level. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
- (4) Plan Review. If the Director or designee determines that the proposed lighting does not comply with this Code, the permit shall not be issued, or the plan approved.

**Sec 28.9. – Special Permits**

- (1) Applicant may submit an application to the Director for a Special Permit under this section for lighting systems not complying with the technical requirements of this Chapter but consistent with the intent of this Chapter.

- (2) Application for a special permit shall include the basis for the application, which shall be one or more of the following: the application of this chapter may cause an unreasonable hardship to be done, the compliance time required for compliance with this chapter is unreasonable, an alternate plan for outdoor lighting is equally good or better than standards set by this chapter. The application shall state fully the circumstances and conditions relied upon as the basis special permit application and shall be accompanied by plans and legal description of the property involved. In addition, the request shall contain the following information:
- (a) Name, address, and telephone number of applicant;
  - (b) Location of outdoor lighting fixtures for which the special permit is requested;
  - (c) The nature of the circumstances which necessitate the special permit;
  - (d) The use of the outdoor lighting fixture involved;
  - (e) Information required under section 28-8;
  - (f) For all special permit applications, applicant shall demonstrate that the proposed system utilizes fully shielded luminaires and, if required, side shielded and internally shielded luminaires that are installed in a fashion that maintains the shielding characteristics unless certified in writing by a registered engineer or by a lighting certified professional that such shielding is impractical.
  - (g) An explanation of whether the lighting plan complies with the technical requirements of this section to the maximum extent practicable.
- (3) The Director shall review each such application. In considering whether to approve the special permit, the Director may consider the following factors:
- (a) Special circumstances or conditions for the land, building, or outdoor lighting fixture requested;
  - (b) The impact on the applicant's reasonable use of the land or buildings;  
The impact of approving the special permit on the public welfare.

### **Sec 28-10. – Appeals**

Appeals of administrative decisions under this chapter may be made to the zoning board of appeals following the procedure in section 22-642 and 22-643, which are incorporated and adopted herein by reference.

### **Sec 28-11. – Enforcement and Penalties**

- (1) Violations Any person found to have violated or caused a violation of this Code may be subject to enforcement action as provided in this section. Each day during which the violation continues shall constitute a separate offense. The city may institute appropriate action or proceedings to enjoin violations of this Code.
- (2) Penalties Any person who fails to comply with the provisions of this Code shall, upon conviction thereof, forfeit no less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) as provided in section 1-21(b).