



STAFF REPORT

To: Eastern Summit County Planning Commission
From: Ray Milliner, County Planner
Date of Meeting: June 7, 2018
Type of Item: Code Amendment – Work Session
Process: Legislative

RECOMMENDATION: Staff requests that the Eastern Summit County Planning Commission discusses the possibility of creating a lighting ordinance for inclusion in the Eastern Summit County Development Code and provide staff with direction.

Background

Over the past few months, staff has received an increasing number of complaints with regard to lighting in Eastern Summit County (generally revolving around uses having too much lighting, light trespass, unnecessary lighting etc.). The general staff response is to approach the property owner and inform them that staff has received a complaint and request that they address the issue. However, the property owner is under no obligation to make the changes because there are no regulations in the Development Code for lighting.

Concurrent with these issues, members of the County Council and the Planning Commission have mentioned that they would like to see a lighting ordinance created in the Eastern Summit County Development Code.

The purpose of this work session is to:

1. To explain the purpose of a lighting ordinance and what it does.
2. Receive direction from the Commission as to whether or not it would like staff to begin work on a lighting ordinance for the Eastern Planning District.
3. If the answer is “yes” to receive general direction as to how restrictive the Commission would like the ordinance to be.

There is no limitation on how restrictive or liberal a lighting ordinance can be, nonetheless, a lighting ordinance generally:

- Promotes full-cutoff (down directed and fully shielded) fixtures for most uses.
- Prohibits floodlighting and unshielded wall packs.
- Prohibits up lighting of buildings and signs.
- Requires that nonessential lighting be turned off after business hours.
- Requires lighting plans for new construction that demonstrate compliance with height, lumens and number of lights allowed.

Recommendation

Staff requests that the Eastern Summit County Planning Commission discuss the possibility of creating a lighting ordinance for inclusion in the Eastern Summit County Development Code and provide staff with direction.

Exhibits

Exhibit A. Example of a lighting ordinance

Chapter 15C
OUTDOOR LIGHTING

10-15C-1: PURPOSE:

10-15C-2: SCOPE AND APPLICABILITY:

10-15C-3: FULL CUTOFF FIXTURE REQUIREMENTS:

10-15C-4: GENERAL CONDITIONS AND STANDARDS:

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10-15C-10: APPLICATION AND REVIEW PROCEDURES:

10-15C-11: AMORTIZATION OF NONCONFORMING OUTDOOR LIGHTING:

10-15C-12: VIOLATIONS:

10-15C-13: DEFINITIONS:

10-15C-1: PURPOSE:

The purposes of this chapter are:

- a. To encourage outdoor lighting practices that will minimize light pollution, glare, light trespass and sky glow in order to preserve the natural dark of the night sky and to prevent lighting nuisances on properties.
- b. To promote energy conservation.
- c. To maintain nighttime safety, utility and security.
- d. To maintain an uncluttered nighttime appearance in the town.
- e. To prevent unnecessary or inappropriate outdoor lighting.
- f. To minimize nighttime impacts on nocturnal wildlife.
- g. To maintain the rural atmosphere and village character of the town.
- h. To encourage the low level outdoor lighting through the use of low wattage bulbs, full cutoff light fixtures, and limits on the location and uses of outdoor lighting.

B. 10-15C-2: SCOPE AND APPLICABILITY:

A. All exterior outdoor lighting installed after the effective date of this chapter in all zones in the town shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting. However, light trespass from interior lighting is regulated by other sections of this code.

B. All existing outdoor lighting that does not meet the requirements of this chapter and is not exempted by this chapter shall be considered a nonconforming use and as such shall be scheduled for amortization as outlined in section 10-15C-11 of this chapter.

- C. Should this chapter be found to be in conflict with other sections of this code, the more restrictive shall apply.

10-15C-3: FULL CUTOFF FIXTURE REQUIREMENTS:

A. Required: Unless specifically exempted by this chapter, all outdoor lighting shall use full cutoff fixtures and shall be installed so light is directed downward with no light emitted above the horizontal. Lighting must not be placed at a location, angle, or height that directs illumination outside the property boundaries where the light fixtures are located.

B. Characteristics: In order to qualify as a "full cutoff" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as full cutoff. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as full cutoff.

C. Exemptions To Full Cutoff Fixture Requirements:

1. Fixtures having a total light output less than one thousand (1,000) lumens (allowing a maximum of a 60 watt incandescent or a 15 watt compact fluorescent bulb) are exempted from the full cutoff requirement provided:
 - a. The fixture has a top that is completely opaque such that no light is directed upwards.
 - b. The fixture has sides that completely cover the light source and are made of opaque or semiopaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semiopaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernable behind the material. Completely transparent materials, such as clear glass, are not allowed.
 - c. The light source must not be visible from any point outside the property on which the fixture is located.
2. Spotlights controlled by motion sensors having a light output less than one thousand (1,000) lumens per lamp (allowing a maximum of a 60 watt incandescent or a 15 watt compact fluorescent bulb) are exempted from the full cutoff requirement provided:
 - a. The fixture is a spotlight or other type of directed light that shall be directed at a forty five degree (45°) angle or less, where the zero angle is pointing straight down.
 - b. The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located.
 - c. The fixture must be hooded or shielded to the extent necessary to prevent glare on adjacent properties or roadways.
3. Pathway lights less than eighteen inches (18") in height are exempted from the full cutoff fixture requirement, if the total light output from each pathway light is less than three hundred (300) lumens.
4. Architectural lights, water feature illumination, and sign illumination are all exempted from the full cutoff fixture requirement, provided such illumination meets all other applicable standards of this chapter.

10-15C-4: GENERAL CONDITIONS AND STANDARDS:

A. Minimum Necessary: Outdoor lighting should be the minimum necessary to provide for safety and functionality. The lowest wattage light source necessary for a lighting application should be used.

Outdoor lighting that does not serve a functional purpose, including landscape lighting, is prohibited. Such lighting can be a significant source of sky glow.

B. Allowable Applications: Outdoor lighting shall only be allowed in the following applications:

1. To illuminate the entrances to buildings (including garage entrances).
2. To illuminate pathways and walkways.
3. To illuminate parking areas and parking area access lanes.
4. To illuminate outdoor gathering areas such as patios, pool and hot tub areas, outdoor dining areas, and recreation areas.
5. For security purposes, provided all the following conditions are met:
 - a. The lighting is activated by motion sensors and does not stay on all night.
 - b. The lighting is placed and directed such that no direct illumination falls outside the property boundaries where the security lighting is placed.
6. To illuminate signage.
7. For architectural lighting, provided all of the following conditions are met:
 - a. The property where the architectural lighting is placed is in a commercial zone.
 - b. The architectural lighting is compatible with the purposes of this chapter as determined by the Planning Commission.
 - c. All architectural lighting is mounted on and directed onto the front of a commercial building facing the street.
 - d. The architectural lighting is sufficiently shielded such that the light source is not visible beyond the property boundaries.
 - e. The architectural lighting is directed such that all light falls on the front of the building, and not on the adjacent ground or into the night sky.
 - f. The architectural lighting uses low wattage light sources.
 - g. The architectural lighting is not used to illuminate landscape, statues, or other similar features.
8. To illuminate outdoor water features, provided all of the following conditions are met:
 - a. The lighting is angled at or below the horizontal plane.
 - b. The lighting is placed underneath or behind the water such that the water diffuses the light from all points where the light is visible.
 - c. Each light source has a total light output of one thousand (1,000) lumens or less.

C. Light Curfews:

1. Commercial establishments shall turn off all outdoor lighting, except that listed below, by twelve o'clock (12:00) midnight:
 - a. Lighting to illuminate the entrance to the commercial establishment.
 - b. Parking lot and pathway lighting required for the safety of guests.
 - c. Sign illumination.
2. Recreational lighting (residential and commercial) shall be turned off by eleven o'clock (11:00) P.M. except to conclude a specific sporting event that is underway.

10-15C-5: SPECIALIZED OUTDOOR LIGHTING; CONDITIONS AND STANDARDS:

A. Gas Station Canopies: Gas station canopies may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are full cutoff. Except for directed beam lighting, merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light

fixture. Directed beam lighting mounted under the canopy is allowed, provided the light source cannot be seen from outside the property boundaries.

B. Roadway/Streetlights: Streetlights are prohibited unless recommended by the town engineer or required by UDOT to ensure the safety of the public. All streetlights shall utilize lamp types that are energy efficient and minimize sky glow and other unintended impacts of artificial lighting. For lights along SR-9, the lowest illumination design that meets the minimum illumination requirements set by UDOT shall be used. Lights along SR-9 shall use decorative light fixtures similar in appearance to the shuttle stop lighting.

C. Parking Lots:

1. Spot or flood lighting of parking lots from a building or other structure is prohibited.
2. The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed fourteen feet (14'). All post mounted parking lot lights shall be set back from property lines a distance equal to two and one-half (2 1/2) times the height of the pole.
3. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed six feet (6').
4. All parking lot lighting shall use full cutoff fixtures.

D. Recreational Lighting:

1. The planning commission shall review all requests for new recreational lighting fixtures for fields or courts. The planning commission shall approve such requests only after finding:
 - a. The recreational lighting has provisions for minimizing glare, spill light, and uplight by the use of louvers, hoods, or shielding.
 - b. The recreational lighting does not exceed illumination levels for class IV sports lighting set by the Illuminating Engineering Society of North America.
 - c. The recreational lighting will only illuminate the field or court area with no direct illumination falling outside of those areas.
 - d. The light source for the recreational light will not be visible from adjacent properties.
2. Pole mounted recreational lighting shall be limited to eighteen feet (18') in height. Pole mounted recreational lighting must be set back a minimum of sixty feet (60') from adjacent properties.
3. The lighting for nonfield and noncourt areas shall conform to all provisions of this chapter.

E. Amphitheater Lighting: Outdoor amphitheatres may use illumination to light the performance area of the amphitheater and for the safety of the public. The following standards apply to all amphitheater lighting:

1. Lighting used to illuminate the performance area must be either directed spotlighting or full cutoff lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
2. Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.
3. Lighting used to illuminate the seating areas, pathways, and other areas of the amphitheater must meet all standards of this chapter. (Ord. 2009-04, 8-12-2009)

F. Signs: Signs may be unlighted, lighted externally, lighted internally, or backlit. All sign lighting must be designed, directed, and shielded in such a manner that the light source is not visible beyond the

property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting.

1. Standards For Externally Illuminated Signs:
 - a. Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
 - b. Lighting for externally illuminated signs must be mounted at the top of the sign (or within 2 feet of the top of a building mounted sign).
2. Standards For Internally Illuminated Signs:
 - a. Only sign copy areas may be illuminated on an internally illuminated sign.
 - b. Internally illuminated signs shall use semiopaque materials for sign copy such that the light emanating from the sign is diffused. Transparent, clear, or pure white materials are not allowed for sign copy. Noncopy portions of the sign (e.g., background and graphics) shall be made of completely opaque material that is consistent with subsection 10-24-2B of this title.
3. Standards For Backlit Signs:
 - a. Backlit signs shall be designed such that the light source is not visible.
 - b. Backlit signs shall be designed such that harsh, direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign text are allowed.
 - c. Backlit signs shall use low wattage light sources.
4. Light Color Temperature Standard: All light sources used to illuminate signage must have color temperature equal to or less than three thousand degrees Kelvin (3,000°K).

10-15C-6: HILLSIDES, RIDGELINES, AND SPECIAL CASES:

In certain cases (such as, but not limited to, properties on or near ridgelines or hillsides), additional shielding may be required to mitigate glare or light trespass. The need for additional shielding will be considered as part of the review process described in section 10-15C-10 of this chapter.

10-15C-7: TOWERS:

A. All monopole, antenna, tower or support facility lighting not required by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC) is prohibited.

B. When lighting is required by the FAA or the FCC, such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.

C. All other lighting used on the property not regulated by the FAA or FCC shall conform to this chapter.

10-15C-8: EXEMPTIONS:

The following shall be exempt from the requirements of this chapter:

- A. Holiday lighting from November 15 to January 15 as long as it does not create a hazard or nuisance from glare.
- B. Traffic control signals and devices.
- C. Temporary emergency lighting in use by law enforcement or government agencies or at their direction.
- D. The lighting of federal or state flags, provided that the light is a narrow beam aimed and shielded to illuminate only the flag. Flag lighting should use appropriate illumination levels to light flag, while at the same time fulfilling the purposes of this chapter.
- E. Low voltage LED lights and solar lights used to illuminate pathways in residential areas, provided the lights are installed no more than eighteen inches (18") above the adjacent ground level.
- F. The Planning Commission, as part of its review as outlined in this chapter, may approve lighting that does not conform to these standards if need is established. An applicant requesting such lighting is required to provide proof of requirements of property insurance or findings of competent research demonstrating the need for the requested lighting. The Planning Commission may attach other conditions to the approval of such lighting that will make the lighting comply with the spirit of this chapter.

10-15C-9: PROHIBITED LIGHTING:

The following are prohibited:

- G. Uplighting to illuminate buildings and other structures, or vegetation, except as allowed by subsection 10-15C-4B7 of this chapter.
- H. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including holiday lighting between November 15 and January 15.
- I. Floodlights or spotlights affixed to buildings for the purpose of lighting parking lots or sales display lot areas.
- J. Searchlights, laser source lights, or any similar high intensity light.
- K. Except when used in window signage pursuant to subsection 10-24-8B18c of this title, neon or luminous tube lighting, either when outdoor mounted or indoor mounted if visible beyond the property boundaries.

10-15C-10: APPLICATION AND REVIEW PROCEDURES:

A. Lighting Plans Required: All sign permit applications, PD applications, subdivision applications, building permit applications, and design development review applications shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources shall comply with this Code and shall include the following:

1. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.
2. Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient

information regarding the light fixture, bulb wattage, and shielding mechanisms for the Planning Commission to be able to determine compliance with the provisions of this chapter.

3. A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens, and lamp type.

B. Approval Procedure:

1. The lighting plan for all new development shall be submitted for approval concurrent with the associated application process.
2. A certificate of occupancy shall not be issued until such time as the property is subject to a post installation nighttime inspection by the DCD and at least one (1) member of the Planning Commission.

10-15C-11: AMORTIZATION OF NONCONFORMING OUTDOOR LIGHTING:

A. Amortization: The town shall require the termination of use of any and all nonconforming outdoor lighting fixtures, structures, lamps, bulbs or other devices that emit or generate light which are not otherwise exempted by this chapter, pursuant to the amortization schedule contained in this section.

B. Schedule Of Amortization: All outdoor lighting legally existing and installed prior to the effective date of this chapter and which is not exempted shall be considered nonconforming and shall be brought into compliance by the property owner as follows:

1. Immediate abatement as a condition for approval upon application for a building permit, sign permit, conditional use permit, new (nonrenewal) business license, design development review or similar town permit or review when said site improvements, construction, reconstruction, expansion, alteration or modification of existing sites, structures, or uses individually or cumulatively equal or exceed one thousand five hundred (1,500) square feet. Projects less than one thousand five hundred (1,500) square feet will not be subject to immediate abatement. However, they will count towards a cumulative total of projects on the same property. When the cumulative total equals or exceeds one thousand five hundred (1,500) square feet abatement shall be immediate.
2. All damaged or inoperative nonconforming lighting shall be replaced or repaired only with lighting equipment and fixtures compliant with this chapter.
3. All outdoor lighting not previously scheduled for amortization or otherwise exempted shall be brought into conformance with this chapter within seven (7) years from the effective date of this chapter.

C. Audits: The town shall perform two (2) audits of all outdoor lighting in the town, one four (4) years and the other six (6) years after the effective date hereof. These audits will identify all lighting that does not conform to the standards of this chapter. The results of these audits will be made available to the public.

10-15C-12: VIOLATIONS:

A. The following constitute violations of this chapter:

1. The installation, maintenance, operation, of any lighting fixture not in compliance with the provisions of this chapter.
2. The alteration of outdoor lighting fixtures after a certificate of occupancy has been issued without the review and approval of the planning commission when such alteration does not conform to the provisions of this chapter.
3. Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in violation of this chapter.

D. Violations of this chapter are subject to enforcement as outlined in chapter 4 of this title.

10-15C-13: DEFINITIONS:

For the purpose of this chapter, certain words, phrases and terms used herein shall have the meaning assigned to them by this section:

ACCENT OR ARCHITECTURAL LIGHTING: Lighting of building surfaces, landscape features, statues, and similar items for the purpose of decoration or ornamentation; or lighting that does not contribute to the safety or security of residents, guests, employees, or customers on a property.

DIRECT ILLUMINATION: Illumination resulting from light emitted directly from a lamp, luminary, or reflector. This does not include light reflected from other surfaces such as the ground or building faces.

FLOODLIGHT: A fixture or lamp designed to "flood" an area with light. A specific form of lamp or fixture designed to direct its output in a specific direction. Such lamps are often designated by the manufacturer and are commonly used in residential outdoor lighting.

FULL CUTOFF FIXTURE: An outdoor light fixture designed so that the installed fixture emits no light above the horizontal plane. Full cutoff light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is full cutoff. Full cutoff fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.

INTERNALLY ILLUMINATED: As it relates to signs, any sign which has a light source entirely enclosed within the sign and not directly visible to the eye.

LIGHT POLLUTION: Any adverse effect of manmade light. Often used to denote "sky glow" from cities or towns, but also includes glare, light trespass, visual clutter and other adverse effects of lighting.

LIGHT SOURCE: The part of a lighting fixture that produces light, e.g., the bulb.

LIGHT TRESPASS: Light falling where it is not wanted or needed. Spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

MANUFACTURER'S CATALOG CUTS: A publication or other printed material of a lamp or lighting manufacturer offering visual and technical information about a lighting fixture or lamp.

OUTDOOR LIGHT FIXTURE: An outdoor electrically powered illuminating lamp or similar device used for lighting structures, parking lots, pathways, service canopies, recreational areas, signs or other similar outdoor lighting uses.

RECREATIONAL LIGHTING: Lighting used to illuminate sports fields, ball courts, playgrounds, or similar outdoor recreational facilities.

SECURITY LIGHTS: Lighting designed to illuminate a property or grounds for the purpose of visual security.

SPOTLIGHT: See definition of Floodlight. A fixture or lamp designed to light a small area very brightly.

TOWER: Any monopole, antenna, or the like that exceeds eighteen feet (18') in height.

UNSHIELDED FIXTURE: A fixture that allows light to be emitted above the horizontal either directly from the lamp or indirectly from the fixture or reflector. Any fixture not full cutoff. (Ord. 2009-04, 8-12-2009)