

for park land dedication, school land dedication, special improvement fees and water tap fees in special circumstances. (Ord. 6 §C, 1999; Ord. 33 §B1, 2003)

**Secs. 16-420—16-430. Reserved.**

## ARTICLE XX

### Exterior Lighting

#### Sec. 16-431. Purpose.

The Town is experiencing a significant expansion in population and construction, resulting in increased use of exterior illumination on an urban scale. This Article is intended to help maintain the health, safety and welfare of the residents of the Town through regulation of exterior lighting as reflected by the following goals:

- (1) Promote safety and security;
- (2) Help preserve the small town character;
- (3) Eliminate the escalation of nighttime light pollution;
- (4) Reduce glaring and offensive light sources;
- (5) Provide clear guidance to builders and developers;
- (6) Encourage the use of improved technologies for lighting; and
- (7) Conserve energy. (Ord. 29 §2, 1998)

#### Sec. 16-432. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

*Fixture height* means the vertical distance from the ground directly below the centerline of the fixture to the lowest direct light emitting part of the fixture.

*Foot-candles* means a unit of illumination of a surface that is equal to one (1) lumen per square foot. For the purposes of these regulations, *foot-candles* shall be measured at a height of three (3) feet above finished grade.

*Fully shielded light* means light fixtures shielded or constructed so that no light rays are directly emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report. The fixture must also be properly installed to effectively down direct light in order to conform with the definition. Exemptions from this definition may be allowed for aesthetic lighting elements such as shades with perforated patterns and opaque diffusers.

*High intensity discharge light source (HID)* means light sources characterized by an arc tube or discharge capsule that produces light, with typical sources being metal halide, high pressure sodium and other similar types which are developed in accordance with accepted industry standards.

*Light trespass* means the shining of light produced by a light fixture beyond the boundaries of the property on which it is located.

*Point light source* means the exact place from which illumination is produced (i.e., a light bulb filament or discharge capsule). (Ord. 29 §2, 1998)

**Sec. 16-433. Lighting plans.**

(a) An outdoor lighting plan shall be submitted in conjunction with any subdivision, planned unit development, site plan development review, site plan development exemption, special review application and building permit application for a commercial or multifamily building. Said plan shall show the following:

- (1) The location and height above grade of light fixtures;
- (2) The type (such as incandescent, halogen, high pressure sodium) and luminous intensity of each light source;
- (3) The type of fixture (such as floodlight, full-cutoff, lantern, coach light);
- (4) Estimates for site illumination resulting from the lighting, measured in foot-candles; and
- (5) Other information deemed necessary to document compliance with the provisions of this Article.

(b) Applications for single-family and duplex building permits shall be required to provide all information necessary to document compliance with the provisions of this Chapter, as determined by the Building Official. Said information may be required in the form of a lighting plan consistent with Section 16-433 (a)(1). (Ord. 29 §2, 1998)

**Sec. 16-434. Street lighting.**

All lighting illuminating public right-of-ways and easements or private streets shall conform with the following standards:

- (1) All light fixtures must be fully shielded.
- (2) Maximum fixture height shall be sixteen (16) feet. Exemptions up to a maximum of twenty-five (25) feet may be granted for street lights located at opposing corners of intersections.
- (3) A minimum of one hundred (100) feet shall be maintained between street light fixtures. Exemptions to this standard may be considered when fixtures are located on opposing corners of an intersection, at a pedestrian crosswalk or where similar special or unique conditions exist. Exemptions may be considered only where fixture type, placement and light intensity are modified to conform with the intent of the minimum spacing requirement.
- (4) Fixture types shall be selected from a list of Town-approved designs. Said list will be approved by the Town Council. Property owners and developers may petition the Council for inclusion of new designs. (Ord. 29 §2, 1998; Ord. 33 §B1, 2003)

**Sec. 16-435. Nonresidential lighting standards.**

The following lighting standards shall be applicable to all nonresidential properties including mixed uses:

(1) Outdoor lighting used to illuminate parking spaces, driveways, maneuvering areas or buildings shall be designed, arranged and screened so that the point light source shall not be visible from adjoining lots or streets. The light level shall not exceed fifteen (15) foot-candles as measured three (3) feet above finished grade. Exemptions may be requested where the applicant can demonstrate that the intent of this Article is satisfied with alternate lighting fixtures or standards.

(2) Outdoor lighting shall be ten (10) feet or less in height unless it is:

- a. Fully shielded with a nonadjustable mounting;
- b. Lighting for parking and vehicle circulation areas in which case heights up to a maximum of twenty-eight (28) feet may be allowed;
- c. Building-mounted lighting directed back at a sign or building façade; or
- d. Lighting on above-grade decks or balconies which shall be fully shielded.

(3) All light sources which are not fully shielded shall use other than a clear lens material as the primary lens material to enclose the light bulb to minimize glare from a point light source. Exceptions may be allowed where there is a demonstrated benefit for the community determined through the exemption process.

(4) HID light sources are allowed with a maximum wattage of two hundred fifty (250) high pressure sodium (HPS) and two-hundred-fifty-watt metal halide. Standards for other HID light sources may be established by the Town for new technology consistent with the above restrictions.

(5) Pole-mounted fixture spacing for security and parking lot light fixtures shall be no less than seventy-five (75) feet. Fully shielded decorative fixtures are allowed to maintain a fifty-foot fixture spacing. Wall-mounted fixture spacing for security lighting shall be no less than fifty (50) feet measured horizontally. Aesthetic fixtures directed back toward a building face shall be exempt from this spacing requirement when fully shielded. Aesthetic fixtures that are not fully shielded shall maintain a minimum spacing of twenty-five (25) feet. Where security lighting is a combination of lamp posts and wall fixtures, minimum spacing shall be seventy-five (75) feet.

(6) Pole-mounted fixtures shall be limited to two (2) light sources per pole. Decorative fixtures may be exempted from this requirement up to a maximum of three (3) light sources per pole.

(7) Mixed use areas that include residential occupancies shall comply with the residential standards on those floors or areas that are more than fifty percent (50%) residential based on square footage of uses.

(8) Up-lighting is only permitted if the light distribution from the fixture is effectively contained by an overhanging architectural or landscaping element. Such elements may include awnings, dense shrubs or tree canopies, which can functionally reflect illumination back to the ground. In these cases the fixture spacing is limited to one (1) fixture per one hundred fifty (150) square feet of area (as measured in a horizontal plane) and a total lamp wattage within a fixture of thirty-five (35) watts.

(9) Up-lighting of flags is permitted with a limit of two (2) fixtures per flag pole with a maximum of one hundred fifty (150) watts each. (Ord. 29 §2, 1998; Ord. 2 §§2, 3, 2001)

**Sec. 16-436. Sign lighting.**

In addition to the provisions of Section 16-435, the following provisions shall further regulate lighting of signs:

(1) Sign illumination shall not exceed seventy-five (75) foot-candles as measured at the brightest point on the sign face.

(2) Signs in residential neighborhoods and zone districts shall be illuminated only by lighting which conforms with the residential lighting standards.

(3) Illuminated signs equal to or larger than twenty (20) square feet in size shall be turned off no later than 11:00 p.m. or one-half (½) hour after the use to which it is appurtenant is closed, whichever is later. (Ord. 29 §2, 1998)

**Sec. 16-437. Residential lighting standards.**

The following lighting standards shall be applicable to residential properties:

(1) Outdoor lighting shall be ten (10) feet or less in height.

(2) Lighting on above-grade decks or balconies shall be fully shielded.

(3) Outdoor lighting with HID light sources in excess of thirty-five (35) watts (bulb or lamp) shall be prohibited. In addition, incandescent light sources including halogen shall not exceed one hundred (100) watts.

(4) All light sources shall use other than a clear lens material as the primary lens material to enclose the light bulb to minimize glare from a point source.

(5) Landscape lighting is limited to fifty (50) watts per fixture per one hundred fifty (150) square feet.

(6) Flood lights and security lights shall be restricted as follows:

a. The point light source shall not be visible from adjoining lots or streets.

b. Photo-cell or timer-controlled lights shall be prohibited.

c. Lights must be fully shielded, down directed and screened from adjacent properties in a manner that prevents light trespass.

d. Light intensity shall not exceed ten (10) foot-candles measured three (3) feet above finished grade.

(7) Motion sensor lights may be permitted, but only where the sensor is triggered by motion within the owner's property lines.

(8) Up-lighting is only permitted if the light distribution from the fixture is effectively contained by an overhanging architectural or landscaping element. Such elements may include awnings, dense shrubs or tree canopies, which can functionally reflect illumination back to the ground. In these cases the fixture spacing is limited to one (1) fixture per one hundred fifty (150) square feet of area (as measured in a horizontal plane) and a total lamp wattage within a fixture of thirty-five (35) watts. (Ord. 29 §2, 1998)

#### **Sec. 16-438. Exemptions.**

Exemptions from the lighting regulations of this Article may be granted subject to the following procedures. Exemptions may be granted for the following types of lighting in addition to conditions allowing for exemptions contained in Sections 16-434 through 16-437:

(1) Winter holiday lighting which is of a temporary nature and which is illuminated only between November 1 and April 15 of each year. Other holiday lighting temporary in nature may request exemption from the Town.

(2) Municipal lighting installed for the benefit of public health, safety and welfare and temporary in nature with a maximum duration of not more than ninety (90) days.

(3) Lighting for outdoor recreational facilities, subject to submittal of a detailed lighting plan. Conditions applicable to any such exemptions may include limited hours of operation, limits on lighting intensity and specific requirements for fixture design.

(4) Exemption requests shall be formalized by submittal of a lighting plan and exemption request letter to the Planning Department. The request will be considered and may be granted by the Technical Review Committee (TRC). For more complex or significant reviews, the TRC may refer the request to the Town Council for action, or an applicant may appeal a decision of the TRC to the Town Council. Exemptions shall be reviewed in accordance with the following standards and procedures:

a. Compliance with the purpose and intent of this Article.

b. Submittal of a complete lighting plan in accordance with this Article.

c. Review by the Town may include recommendations by a professional lighting consultant selected by the Town, funded by the applicant.

d. Any special conditions, circumstances or hardships that warrant the exemption and/or appropriate conditions of approval.

(5) The lighting code exemption procedures shall also be utilized in regard to any interpretation or clarification of the lighting code necessary or requested by an applicant. (Ord. 29 §2, 1998; Ord. 33 §B1, 2003)

#### **Sec. 16-439. Prohibited lights.**

(a) Light sources shall not be affixed to the top of a roof, except where required by building code requirements.

(b) Flood illumination of buildings shall be prohibited from ground or pole-mounted lights or lights mounted on adjoining structures.

(c) Lights which flash, move, revolve, scintillate, blink, flicker, vary in intensity, change color or use intermittent electrical pulsation are prohibited unless specifically approved as part of a lighting code exemption.

(d) Mercury vapor and low pressure sodium lighting shall be prohibited.

(e) Linear lighting (including neon, fluorescent, rope-lighting and low voltage strip-lighting) primarily intended as an architectural highlight to attract attention or used as means of identification or advertisement shall be prohibited. (Ord. 29 §2, 1998)

**Sec. 16-440. Enforcement and nonconforming lighting.**

(a) Nonconforming lighting.

(1) As of the effective date of the ordinance codified herein, all outdoor lighting that does not conform to every requirement of this Article shall be legal nonconforming lighting. Legal nonconforming lighting shall not be moved in any direction, nor shall there be any change in use or light type, or any replacement or structural alteration made to the nonconforming lighting without conforming to all applicable requirements of this Chapter.

(2) At such time as a building permit application for a major remodel or new structure is submitted to the Town, or any type of rezoning, subdivision or site plan development application is filed with the Town, all lighting on the site or building shall be required to conform with all applicable requirements of this Article unless an exemption request is filed.

(b) Enforcement.

(1) Any building permit submittal or development review application to the Town shall include a lighting plan, sufficient in detail to demonstrate compliance with all applicable requirements of this Article. The Town may require completion of a lighting plan by a designer or architect with professional training in lighting design.

(2) The Town shall enforce the provisions of this Article in accordance with Sections 16-268 of this Code. In the case of repetitive zoning enforcement for repeat offenses, the Town may impose the special inspection fees consistent with Section 16-203 (b)(2)c and d.

(3) A final certificate of occupancy shall not be issued until such time as a nighttime inspection of the property is conducted to verify compliance with this Chapter. (Ord. 29 §2, 1998)

**Secs. 16-441—16-460. Reserved.**