DATE: March 9, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review Division
FROM: Greg Russ, Zoning Coordinator
Mark Pfefferle, Planner Coordinator, County-wide Planning
Ralph Wilson, Acting Zoning Supervisor
Robert Kronenberg, Acting Supervisor Site Plan Section
REVIEW TYPE: Zoning Text Amendments
PURPOSE: Bill 4-07 establishes standards for outdoor lighting in the County. ZTA 07-1 establishes zoning standards and procedures governing outdoor lighting consistent with Bill 4-07

TEXT AMENDMENT: 07-01
BILL: 4-07
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59, the Zoning Ordinance and Chapters 2 and 29 of the County Code
INTRODUCED BY: Council President Praisner
INTRODUCED DATE: February 13, 2007

PLANNING BOARD REVIEW: March 15, 2007
PUBLIC HEARING: March 20, 2007, 1:30 PM

STAFF RECOMMENDATION: Transmit Comments to the County Council as follows:

- Outdoor Lighting standards are necessary for Montgomery County to address inefficient and improper lighting conditions. Staff agrees with the objectives of Bill 4-07 and Zoning Text Amendment 07-01

- However, Staff raises a number of issues with Bill 4-07 in its current form. These are discussed under the “General Recommendation/Comments” section of the staff report. Important issues raised by staff include:

  - lumens vs. watts as a unit of measurement;

8787 Georgia Avenue, Silver Spring, Maryland 20910  Director's Office: 301.495.4500  Fax: 301.495.1310
www.MontgomeryPlanning.org
- lighting standards as they pertain to recreational facilities, safety and security of areas;

- what a full cut-off measure means and how it impacts public right-of-ways;

- requirement that a lighting plan be approved by the Director of Permitting Services before an applicant may apply for a special exception or site plan approval;

- exemption from Director’s approval for certain lighting plans; and

- compliance dates for existing lighting fixtures and systems that currently do not comply with the new legislation.

• Resolution of Staff’s issues may require a working group of community lighting professionals to address the issues raised herein and others.

BACKGROUND

Outdoor Lighting standards are overdue in Montgomery County. Currently, M-NCPPC requires site plan submissions to include “Landscape and Lighting” plans. These plans are judged against recommended practices and guidelines established by the Illuminating Engineering Society of North America (IESNA). Since lighting plans are limited to site plan and special exceptions there is a large universe of developments, both existing and new, that are not subject to lighting standards. The lighting bill levels the playing field and will require similar facilities to operate within an established lighting level.

In addition to establishing a County policy, an outdoor lighting bill will: permit reasonable uses of outdoor lighting for night-time safety and security; commerce; conserve energy and resources; minimize adverse offsite impacts including glare, and light trespass; curtail light pollution and reverse the degradation of the nighttime environment and help preserve the dark night sky for astronomy and enjoyment.

PURPOSE OF THE TEXT AMENDMENT AND BILL

Problems, Overall Goals and Objectives

The existing problem stems from the excessive, inefficient, improperly aimed and poorly shielded outdoor lighting that harms the public health and welfare. The goals and objectives of the proposed legislation are to: reduce these negative impacts to the nighttime visual environment; enhance the use and enjoyment of property; avoid safety hazards relating to glare; and save energy.
Specific Description of the Bill and ZTA

Bill 4-07:

1. establishes outdoor lighting standards relating to shielding, aiming, efficacy, color rendition, power density, illuminance, controls, and off-site spill;

2. requires a person to obtain approval of a lighting plan from the Department of Permitting Services (DPS) before applying to the Planning Board for site plan approval or to the Board of Appeals for a special exception;

3. requires applicants for certain types of building permits, electrical permits, and use and occupancy permits to submit a lighting plan to the DPS for approval;

4. creates certain exemptions;

5. authorizes the Director of DPS to grant certain types of modifications;

6. establishes certain penalties; and

7. establishes a compliance deadline for existing outdoor lighting.

ZTA 07-01:

The ZTA amends the Zoning Ordinance to make standards and procedures governing outdoor lighting consistent with the proposed new County Light Control Law (Chapter 29B); and requires non-conforming lighting to comply with the County Light Control Law by a certain date.

ANALYSIS
The analysis below discusses some of the major points of the legislation.

BILL 4-07: DEFINITIONS

Below are questions/suggestions concerning the proposed definitions.

(Line 53 of the bill) Lighting Professional (1) Most professional engineers will not stamp a lighting plan that is prepared by a consultant. What are they approving/sealing? (Conduit, electrical functions, or the general lighting layout) (2) How do we know who is licensed? Should plans submitted for approval be reviewed by nonqualified professionals?
Outdoor light fixture. The definition needs to include landscaping areas and entryways as places that are illuminated by light fixtures. Should this definition include temporary and portable lights? It is nearly impossible to assess whether a fixture has a negative impact on a property if the lights can be moved or relocated.

Suggested definitions that need to be added include: "Glare", "Photometric Study", "Uplighting", "Wall Packs", and "Bollards".

BILL 4-07: ESTABLISHING OUTDOOR LIGHTING STANDARDS; Shielding and aiming

The legislation requires that outdoor light fixtures with a total light output greater than 2,000 lumens (unit used to measure the amount of light emitted from a light source) must be full cut-off fixtures and installed and maintained level, without any upward or sideward tilt unless necessary to prevent off-site spill. Outdoor light fixtures with a total light output of 2,000 lumens or less are not required to have full cut-off fixtures. However, fixtures that are not full cut-off must have a downward aim that does not exceed 45 degrees from vertical.

General Recommendations/Comments

1. There needs to some other measurement than lumens to trigger the standards. Most people do not understand lumens. Staff recommends using wattage instead of lumens. Light do not typically have lumens stamped on them they have wattage. Using lumens is too confusing for the consumer, especially 29B-5(a)(1)(A) requires any outdoor light fixture greater than 2000 lumens to be full-cut off and fixtures less than 2000 lumens not exceed 45 degrees from the vertical.

2. Section 29B-5(a) requires “an outdoor light fixture with a total light output greater than 2,000 lumens… be a full cut-off fixture and installed and maintained level without any upward or sideward tilt unless necessary to prevent off-site spill”. This is unworkable for outdoor recreational fields and is contrary to IESNA recommended practices, which state, “When sports fields are located adjacent to residential communities, the overall brightness should be carefully controlled. Poles should be at least 21.3 meters (70 ft.) high for aerial sports such a baseball or softball. Facade lights should not be aimed above 62 degrees (two times the mounting height) from nadir, and should use internal louvers and external shields to help minimize light pollution”. The bill as written will make it difficult to get good lighting for sporting events in parks, schools, and any outside athletic court.

3. There is a problem with determining whether a fixture or lighting system is full cut off, specifically the colonial style light fixtures. Some
manufacturers can accommodate one of these fixtures and state that it is full cut off, but it decreases the efficacy of the light and may have an impact on safety and security of the area. Another example is the Washington Globe that is used throughout the CBDs. Will these be non-conforming? If so, will the County be retrofitting the lights in Silver Spring, Wheaton, Bethesda, Garrett Park, Friendship Heights and White Flint.

**BILL 4-07: ESTABLISHING OUTDOOR LIGHTING STANDARDS; Controls**

The proposed bill (Section 29B-5(g)) requires that an outdoor light fixture be turned off during day light hours. The County Executive may adopt regulations based on the criteria listed in the bill that require an outdoor light fixture or outdoor lighting system to automatically turn off or lower at specified times, be controlled by a motion sensor; or use any other control that the County Executive finds necessary to serve the lighting policy.

**General Recommendations/Comments**

This can be perceived to penalize a homeowner that forgets to turn off a light when they leave in the morning, but more importantly it would prevent lighting during daylight hours used for daylight adaptation such as parking garage entries, tunnels and underpasses, and other similar applications. We suggest revising the language to be more specific such as "an outdoor light fixture" on a public or private road or in a public space. The issue of timing would need to be included in this language since most lights are turned on toward dusk.

**BILL 4-07: ESTABLISHING OUTDOOR LIGHTING STANDARDS; Off-site spill**

The County Executive must adopt regulations that set limits on off-site spill from an outdoor lighting system.

**General Recommendations/Comments**

Their needs to be specific limits for off-site spill established as part of the law. This could be a 0.5-foot candle at any residential property line or county right-of-way. It also needs to be pointed out that any readings for footcandles or spillover for properties abutting county rights-of-way will be significantly distorted when lights in the right-of-way are included in the photometric study.

**BILL 4-07: ESTABLISHING OUTDOOR LIGHTING STANDARDS; More stringent zoning requirements.**
If Chapter 59 establishes a lighting standard that is more stringent than a standard established under this Section, an outdoor lighting system must comply with the standard established in Chapter 59.

General Recommendations/Comments

This language is consistent with existing policies and therefore is acceptable.

BILL 4-07: SITE PLANS AND SPECIAL EXCEPTIONS;

Proposed Section 29B-6 (a) and (b) states that a person must obtain approval of a lighting plan by the Director of DPS before applying to the Planning Board for site plan approval or before applying to the Board of Appeals for a special exception. The exception to this would be if the combined total light output of the outdoor lighting system for the building, structure, or area that is the subject of the application is less than 7000 lumens.

Under Section 29B-6(f), if the Director of DPS finds that a lighting plan for a site plan or special exception complies with this Chapter, the Director must approve the lighting plan subject to approval by the Planning Board or Board of Appeals. The Director must also issue a written approval clearly indicating that approval of the lighting plan by the Planning Board or Board of Appeals is a condition of the Director’s approval. In essence, approval would be conditioned to the final approval of the site plan or special exception. If the Planning Board or Board of Appeals requires that a lighting plan approved by the Director be changed before approving a site plan or special exception, the applicant would be required to submit a lighting plan amendment to DPS.

General Recommendations/Comments

1. This section requires that a person must first obtain DPS's approval of the lighting plan prior to the submission of a site plan. This is modeled somewhat after the stormwater management concept approval. Under DPS stormwater management concept approval, applicants first submit a concept plan at time of preliminary plan of subdivision. DPS approves the concept prior to Planning Board approval of the preliminary plan subdivision. If a site plan is required the applicant submits a copy of the approved concept with the site plan submission. M-NCPPC staff recommends a similar process for development applications. Applicants should submit lighting plans to DPS concurrently with the submission of a preliminary plan of subdivision and not have the plan approved prior to submission. Plans submitted for site plan approval are often changed for a variety of reasons. There may be inconsistency during this process. For example will DPS know what to review in terms of impacts to adjacent properties and what happens when M-NCPPC recommends changes to the plan? Does the plan go back to DPS for review and approval?
Staff recommends the proposed bill require a lighting plan at time of subdivision. This would require additional parking lots, private driveways and roadways to submit a lighting plan for approval during the subdivision process and not by the time the building permit is issued.

2. **Section 29B-6(f).**
   The Planning Board approves site plans and makes recommendations on Special Exceptions. Conditional approval of special exception lighting plans may be changed by the Board of Appeals based upon community opposition. The plan would technically need to return to DPS, and possibly M-NCPPC, for approval, then routed back to the Board of Appeals for a second round. This process appears confusing.

**BILL 4-07: CONTENTS OF A LIGHTING PLAN: (29B-6(e))**

If the combined total light output of the outdoor lighting system for the building, structure, or area that is the subject of the application is 14,000 lumens or less, a lighting plan must include: the number and type of outdoor light fixtures; a diagram showing the location and height of each outdoor light fixture; the manufacturer's specifications for each outdoor light fixture; and any other information that that the Director finds necessary to determine whether a lighting plan complies with Chapter 29B. If the total number of lumens is greater than 14,000, then a lighting plan also must be certified by a lighting professional. Also, when the lumens are greater than 14,000, the size, the efficacy and power density of the outdoor lighting system, and the level of illuminance and off-site spill for the illuminated building, structure, or area must be provided.

**General Recommendations/Comments**

Plans should not be measured in terms of lumens. Either way under contents of the plan, staff will need to review the plan to determine whether a lighting plan meets all of the criteria. The requirement should be the same for (e) (1) and (e) (2) with the primary difference being the certification by a licensed engineer for the project with lumens greater than 14,000.

**BILL 4-07: EXEMPTIONS (29B-7)**

The Bill proposes that lighting be exempt from Chapter 29B if: the total light output of the system is 7,000 lumens or less; emergency lighting is used by or at the direction of police, fire protection, medical personnel, or correctional officers; the outdoor lighting system is used to illuminate an airport or correctional facility; or the outdoor lighting system is exempted in regulations.

**General Recommendations/Comments**
The lighting bill as written does not have a sufficient number of exemptions. There should be specific exemptions for seasonal lighting displays, night-time paving operations, etc.

**BILL 4-07: MODIFICATIONS (29B-8)**

The Director of DPS will be allowed to modify a requirement of Chapter 29B if the applicant shows that compliance would be impractical and unduly burdensome; the public interest would be served by the modification; the modification is consistent with the intent of this Chapter; and the modification would not cause excessive glare or off-site spill on adjacent property or the surrounding area.

The Director may allow an applicant to modify a requirement of this Chapter for up to 30 days without holding a public hearing. Any time period longer than 30 days would require a public hearing.

**General Recommendations/Comments**

The process for modifications is unclear. If DPS approves a modification to the Lighting Plan after the Site Plan approval, will the site plan amendment be approved at a staff level or will an amendment be required to go back to the Planning Board for a minor change? (i.e. moving a light pole to avoid conflict with an electrical box or vault)

**BILL 4-07: COMPLAINTS (29B-10)**

**General Recommendations/Comments**

What happens if the Applicant cannot physically change or alter the light fixture after a legitimate complaint is made? In many cases the corrective action will entail an amendment to the plan. We recommend that language be included specifying what the next step is for alternative corrective actions when this is the case.

**BILL 4-07: APPEALS (29B-12)**

The proposed bill would permit a person aggrieved by a final decision of the Director regarding a lighting plan under Section 29B-6 or a modification under Section 29B-8 to appeal the decision to the Board of Appeals.

**General Recommendations/Comments**

Sections B-6 and B-8 are not specifically tied to special exceptions, building permits, or electrical permits. Site plans are included in this list. We have concerns with the Board of Appeals handling site plan appeals.

**BILL 4-07: REGULATIONS (29B-13)**
Regulations must be adopted by the County Executive to administer Chapter 29B. The regulations will include: standards for shielding, aiming, efficacy, color rendition, power density, illuminance, luminance, controls, and off-site spill; standards for the design, content, size, and location of the sign that must be posted by an applicant before a public hearing on a modification; exemption provisions for outdoor lighting systems; fees sufficient to offset the cost of administering this Chapter: and identifying equipment and techniques that must be used to measure compliance.

BILL 4-07 & ZTA 07-01: APPLICABILITY

Any application filed on or after January 1, 2008 will be required to adhere to the requirements of Chapter 29B. Any outdoor light fixture or outdoor lighting system lawfully installed before and operable on January 1, 2008 that does not comply with Chapter 29B, must be brought into compliance by January 1, 2013.

General Recommendations/Comments

The law is applicable to both public and private entities including lighting for public and private streets, pedestrian walkways and sidewalks, schools, outdoor recreational areas and has a 5 year time line for compliance. Undoubtedly there will be energy efficiencies for converting non-conforming lighting fixtures into full cut-off fixtures. But there will need to be a detailed cost estimate performed to determine and highlight the capital costs that will be necessary for both the public and private sector to comply with the bill. Additional funding will be need to DPWT, MCPS, and M-NCPPC to comply with the requirements in the 5-year time frame established by the legislation. Further, a site plan amendment or special exception modification will need to be processed for each of the cases that are non-conforming.

ZTA 07-01

As previously stated, the ZTA would establish that any lighting plan requirement within the Zoning Ordinance also require compliance with Chapter 29B. In addition, if the lighting is exempt from Section 29B-6 (total light output of the outdoor lighting system is less than 7000 lumens, for example), information (in the form of a diagram or drawing) must be provided with the site plan or special exception that shows how the lighting complies with Chapter 29B.

RECOMMENDATION

Staff believes that outdoor lighting legislation is necessary for Montgomery County to address inefficient and improper lighting conditions. Staff agrees with the objectives of Bill 4-07 and Zoning Text Amendment 07-01. Staff raises a number of issues with Bill 4-07 in its current form. These concerns are highlighted in the "General Recommendation/Comments" section of the staff report. In summary, staff recommends that a working group be established that includes community lighting professionals to address the issues raised herein and others.
Attachments

1. Bill 4-07
2. Zoning Text Amendment No. 07-01
Bill No. 4-07
Concerning: Outdoor Lighting Standards – Established
Revised: 02-09-07 Draft No. 5
Introduced: February 13, 2007
Expires: August 13, 2008
Enacted: ________________________________
Executive: ______________________________
Effective: ______________________________
Sunset Date: None
Ch. _____, Laws of Mont. Co. _________

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Praisner

AN ACT to:
(1) establish outdoor lighting standards, including standards relating to shielding, aiming, efficacy, color rendition, power density, illuminance, luminance, controls, and off-site spill;
(2) require a person to obtain approval of a lighting plan from the Department of Permitting Services before applying to the Planning Board for site plan approval or to the Board of Appeals for a special exception;
(3) require applicants for certain types of building permits, electrical permits, and use and occupancy permits to submit a lighting plan to the Department of Permitting Services for approval;
(4) create certain exemptions;
(5) authorize the Director of the Department of Permitting Services to grant certain types of modifications;
(6) establish certain penalties;
(7) establish a compliance deadline for existing outdoor lighting; and
(8) generally amend the law relating to outdoor lighting in the County.

By amending
Montgomery County Code
Chapter 2, Administration
Section 2-112

By adding
Montgomery County Code
Chapter 29B, Light Control

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The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 2-112 is amended as follows:

2-112. Jurisdiction.

* * *

(c) The Board has the following appellate jurisdiction.

* * *

Section 29B-12 County light control law

* * *

Sec. 2. Chapter 29B, Light Control is added as follows:

Chapter 29B, Light Control

29B-1. Short Title.

This Chapter may be cited as the Montgomery County Light Control Law

29B-2. Policy.

This Chapter is intended to reduce excessive, inefficient, improperly aimed, and poorly shielded outdoor light that harms the public health and welfare by degrading the nighttime visual environment, impairing the use and enjoyment of property, creating safety hazards relating to glare, and wasting energy.

29B-3. Definitions.

In this Chapter, the following words have the meanings indicated.

"Building" has the meaning stated in Section 59-A-2.1.

"Building permit" means a building permit issued by the Department under Chapter 8.

"Candela" means a standard unit of light intensity in a specific direction, equal to 1 lumen per steradian.

"Color rendering index" means a method for describing the effect of a light source on the color appearance of objects compared to a reference light of the same color temperature.
“Department” means the Department of Permitting Services.

“Director” means the Director of the Department of Permitting Services or the Director’s designee.

“Efficacy” means the amount of lumens produced by a lamp or light source per unit of power, expressed in lumens per watt.

“Electrical equipment” has the meaning stated in Section 17-11.

“Electrical permit” means an electrical permit issued by the Department under Chapter 17.

“Enforcement officer” means a person authorized under Section 29B-9 to enforce this Chapter.

“Footcandle” means a unit of illuminance equal to 1 lumen per square foot. This is the illuminance provided by a light source of 1 candela at a distance of 1 foot.

“Full-cutoff” or “full-cutoff light fixture” means a light fixture that is designed to block the amount of light emitted from the fixture at certain angles in compliance with the IESNA “full-cutoff” or “full cut-off light fixture” standard or another equivalent standard identified in regulations.

“IECC” means the version of the International Energy Conservation Code adopted by the County under Section 8-13.

“IESNA” means the Illuminating Engineering Society of North America.

“Illuminance” means the amount of light falling on a unit area of surface (luminous flux per unit area), measured in footcandles.

“Initial light output” means the amount of light emitted by an outdoor light fixture when it is new, as identified in the manufacturer’s specifications.

“Lighting plan” means a lighting plan required by Section 29B-6.

“Lighting professional” means:

(1) a professional engineer who is licensed by the State; or
(2) an individual who has successfully completed the lighting certification exam conducted by the National Council on Qualifications for the Lighting Profession or an equivalent exam identified in regulations.

"Luminance" means the amount of light emitted by an outdoor light fixture or reflected by a surface, measured in candelas per square foot.

"Low wattage fluorescent light" means a fluorescent light of 25 watts or less.

"Low wattage incandescent light" means a halogen light of 75 watts or less or a non-halogen incandescent light of 100 watts or less.

"Lumen" means 1 unit of luminous flux. This unit is used to measure the amount of light emitted from a light source. One lumen is equal to the amount of light emitted by a light source of 1 spherical candela that falls on a 1 square-foot surface located 1 foot away.

"Luminaire" means a complete lighting assembly, including any lamp, housing, reflector, lens, or shield.

"Off-site spill" means light that falls beyond the boundary of the property on which a light fixture is located.

"Outdoor display area" means an area where products or services are sold or displayed.

"Outdoor light fixture" means any permanent, temporary, or portable luminaire used outdoors, including any light fixture used to illuminate:

(1) a building or structure;
(2) a driveway;
(3) a parking facility;
(4) an outdoor display area;
(5) an outdoor performance area;
(6) a recreational area or facility;

(7) a road;

(8) a sidewalk or path;

(9) a sign; or

(10) a yard, park, or landscape.

"Outdoor lighting system" means the outdoor light fixture or outdoor light fixtures, and any accompanying accessories, used to illuminate a particular building, structure, or area.

"Parking facility" has the meaning stated in Section 59-A-2.1.

"Planning Board" means the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission.

"Planning Director" means the Director of the Montgomery County Department of Planning.

"Power density" means the amount of electricity used to generate light per unit of area, expressed in watts per square feet.

"Recreational area or facility" means an outdoor building, structure, or area designed for active recreation, whether publicly or privately owned, including a baseball diamond, basketball court, soccer field, football field, golf course, tennis court, swimming pool, or other area or facility identified in regulations.

"Sign" has the meaning stated in Section 59-A-2.1.

"Site plan" means a site plan or amendment to a site plan approved by the Planning Board under Division 59-D-3.

"Special exception" means a special exception or amendment to a special exception approved by the Board of Appeals under Division 59-G.

"Structure" has the meaning stated in Section 59-A-2.1.
“Total light output” means the total initial light output, measured in lumens, of an outdoor lighting system.

29B-4. Scope.

This Chapter applies to all outdoor light fixtures and outdoor lighting systems in the County, except when a different requirement or standard is expressly required by State law.

29B-5. Standards.

(a) Shielding and aiming.

(1) An outdoor light fixture with a total light output greater than 2,000 lumens must:

   (A) be a full cut-off fixture and installed and maintained level, without any upward or sideward tilt unless necessary to prevent off-site spill; and

   (B) comply with any other shielding or aiming requirement specified in regulations.

(2) An outdoor light fixture with a total light output of 2,000 lumens or less that is not a full cut-off fixture must:

   (A) have a downward aim that does not exceed 45 degrees from vertical; and

   (B) comply with any other shielding or aiming requirement specified in regulations.

(b) Efficacy. An outdoor light fixture must have an efficacy equal to the greater of:

(1) 60 lumens per watt;

(2) the efficacy required by the IECC, if applicable; or

(3) the efficacy established in regulations based on nationally recognized standards or best practices.
(c) **Color rendition.** An outdoor light fixture must have a color rendering index of at least 20.

(d) **Power density.** An outdoor lighting system must have a power density equal to the lesser of the power density:

1. required by the IECC, if applicable; or
2. established in regulations based on nationally recognized standards or best practices.

(e) **Illuminance.**

1. The County Executive must adopt regulations that set illuminance standards for:
   (A) buildings;
   (B) driveways;
   (C) parking facilities;
   (D) recreational areas and facilities;
   (E) roads;
   (F) sidewalks and paths;
   (G) signs;
   (H) outdoor display areas;
   (I) outdoor performance areas;
   (J) yards, parks, and landscapes; and
   (K) any other particular type of building, structure, or area, if the County Executive finds that an illuminance standard would further the policy described in Section 29B-2.

2. The illuminance standards set by regulation must be based on:
   (A) the use of the building, structure, or area that is illuminated;
   (B) IESNA recommended practices;
(C) other nationally recognized standards or best practices; and

(D) any other criteria identified in regulations that would further the policy described in Section 29B-2.

(f) Luminance. The County Executive must adopt regulations that set limits on luminance for signs and building facades based on IESNA recommended practices and other nationally recognized standards and best practices.

(g) Controls.

(1) An outdoor light fixture must be turned off during day light hours.

(2) The County Executive may adopt regulations based on the criteria listed in subsection (i) that require an outdoor light fixture outdoor lighting system to:

(A) automatically turn off at specified times;

(B) automatically lower lighting levels at specified times;

(C) be controlled by a motion sensor; or

(D) use any other control that the County Executive finds necessary to serve the policy described in Section 29B-2.

(h) Off-site spill. The County Executive must adopt regulations based on the criteria listed in subsection (g) that set limits on off-site spill from an outdoor lighting system.

(i) Regulations. Regulations adopted under subsection (f) regarding lighting controls or subsection (g) regarding off-site spill must be based on:

(1) the use of the building, structure, or area that is illuminated;

(2) the level of ambient brightness in the surrounding area;
(3) IESNA recommended practices;
(4) other nationally recognized standards or best practices; and
(5) any other relevant criteria identified in regulations that would
further the policy described in Section 29B-2.

(i) More stringent zoning requirements. If Chapter 59 establishes a
lighting standard that is more stringent than a standard established
under this Section, an outdoor lighting system must comply with the
standard established in Chapter 59.

29B-6. Site plans, special exceptions, building permits, use and occupancy
permits, and electrical permits; lighting plans.

(a) Site plans. Except as provided in subsection (d), a person must obtain
the Director’s approval of a lighting plan before applying to the
Planning Board for site plan approval under Division 59-D-3.

(b) Special exceptions. Except as provided in subsection (d), a person
must obtain the Director’s approval of a lighting plan before applying
to the Board of Appeals for a special exception under Division 59-G-
1.

(c) Permits. A person must obtain the Director’s approval of a lighting
plan before the Director issues any of the following permits:

(1) a building permit for a building or structure that includes an
outdoor lighting system;

(2) a use and occupancy permit for a building or structure that
includes an outdoor lighting system; and

(3) an electrical permit for electrical equipment that includes an
outdoor lighting system.

(d) Exemption. A person need not obtain the Director’s approval of a
lighting plan before applying to the Planning Board for site plan
approval or the Board of Appeals for a special exception if the combined total light output of the outdoor lighting system for the building, structure, or area that is the subject of the application is less than 7000 lumens.

(e) Contents of lighting plan.

(1) If the combined total light output of the outdoor lighting system for the building, structure, or area that is the subject of the application is 14,000 lumens or less, a lighting plan must include:

(A) the number and type of outdoor light fixtures;

(B) a diagram showing the location and height of each outdoor light fixture;

(C) the manufacturer's specifications for each outdoor light fixture; and

(D) any other information that that the Director finds necessary to determine whether a lighting plan complies with this Chapter.

(2) If the combined total light output of the outdoor lighting system for the building, structure, or area that is the subject of the application is greater than 14,000 lumens, a lighting plan must be certified by a lighting professional and include:

(A) the number and type of outdoor light fixtures;

(B) a diagram showing the location and height of each outdoor light fixture;

(C) the manufacturer's specifications for each outdoor light fixture

(D) the size of each illuminated building, structure, or area;
(E) for each illuminated building, structure, or area, the efficacy and power density of the outdoor lighting system;

(F) for each illuminated building, structure, or area, the level of illuminance and off-site spill; and

(G) any other information that that the Director finds necessary to determine whether a lighting plan complies with this Chapter.

(f) Conditional approval of lighting plan. If the Director finds that a lighting plan for a site plan or special exception complies with this Chapter, the Director must:

(1) approve the lighting plan subject to approval by the Planning Board or Board of Appeals; and

(2) issue a written approval clearly indicating that approval of the lighting plan by the Planning Board or Board of Appeals is a condition of the Director’s approval.

(g) Lighting plan amendments. If the Planning Board or Board of Appeals requires that a lighting plan approved by the Director be changed before approving a site plan or special exception, the applicant must obtain the Director’s approval of a lighting plan amendment that implements the required change before the Planning Board or Board of Appeals approves the site plan or special exception.

(h) Condition of permits. The Department must require compliance with this Chapter as a condition of any building permit, use and occupancy permit, or electrical permit.

29B-7. Exemptions.
The following types of lighting are exempt from the requirements of this Chapter:

(1) an outdoor lighting system that consists solely of low wattage incandescent lights or low wattage fluorescent lights if the total light output of the system is 7,000 lumens or less;

(2) an emergency light used by or at the direction of police, fire protection, medical personnel, or correctional officers;

(3) an outdoor lighting system used to illuminate an airport or correctional facility; and

(4) any other outdoor lighting system exempted in regulations.

29B-8. Modifications.

(a) Authorized. The Director may allow an applicant to modify a requirement of this Chapter if the applicant shows that:

(1) compliance would be impractical and unduly burdensome;

(2) the public interest would be served by the modification;

(3) the modification is consistent with the intent of this Chapter;

and

(4) the modification would not cause excessive glare or off-site spill on adjacent property or the surrounding area.

(b) 30 days or less.

(1) The Director may allow an applicant to modify a requirement of this Chapter for up to 30 days without holding a public hearing.

(2) The Director must not renew a modification granted under this subsection.

(c) More than 30 days. The Director may allow an applicant to modify a requirement of this Chapter for longer than 30 days only after
providing notice as required by subsection (d) and holding a public
hearing as required by subsection (e).

(d) Notice.

(1) Within 10 days after the Director receives an application for a
modification, the Director must mail written notice of the
application to adjacent property owners and, in the Director’s
discretion, any other interested person.

(2) The written notice must contain:

(A) the name of the applicant, the case number, and the date,
time, and place of the hearing;

(B) a description of the requested modification;

(C) a statement indicating that the complete application is
available for inspection at the Department;

(D) the address, telephone number, and business hours of the
Department; and

(E) an explanation of any requirements for written or oral
testimony at the hearing.

(e) Hearing.

(1) The Director must hold a hearing on a modification application
no sooner than 30 days after mailing the notice required by
subsection (d).

(2) If the Director finds that an emergency poses an immediate
threat to the public health, safety, or interest, the Director may
reduce the notice period required by paragraph (1).

(3) The Director must issue a decision within 30 days after:

(A) the hearing; or
(B) if the Director holds the record open after the hearing, the
close of the record.

(f) Signs. At least 30 days before the hearing, and for 30 days after the
Director issues a decision on the application, the applicant must
provide notice of the hearing by posting a conspicuous sign that
conforms to design, content, size, and location requirements set by
regulation.

(g) Conditions. If the Director allows a modification, the Director must
require the applicant to use the best technology and strategy
reasonably available to mitigate the adverse affects of any outdoor
lighting system that does not comply with this Chapter.


(a) Generally. The Director must enforce this Chapter.

(b) Concurrent authority. The County Executive may delegate concurrent
authority to enforce this Chapter to the Police Department, any other
Executive department, or any applicable municipal agency in any
municipality in which this Chapter applies.

29B-10. Complaints.

(a) Written complaint. Any person may file a written complaint with the
Department alleging that an outdoor lighting system does not comply
with this Chapter.

(b) Contents. A complaint must be in writing and contain:

(1) the name and address of the complainant;

(2) the address and, if known, the name of the owner of the
building, structure, or area that allegedly does not comply with
this Chapter; and

(3) a description of the alleged violation.
(c) *Inspection.* Within 30 days after receiving a complaint, the Department must inspect the building, structure, or area to determine the validity of the complaint.

(d) *Notice of violation and corrective order.*

(1) If the Department finds that a building, structure, or area does not comply with this Chapter, the Department must issue a notice of violation and corrective order.

(2) The notice of violation must identify the Section of this Chapter that has been violated and the date, nature, and extent of the violation.

(3) The corrective order must describe the action required to correct the violation and direct the owner to correct the violation within a specified period.

(e) *Notice to complainant.* Within 14 days after inspection, the Director must mail the results of the inspection to the complainant, including a copy of any notice of violation and corrective order.

(f) *Re-inspection.* When the time to correct a violation ends, the Department must re-inspect the building, structure, or area to determine whether the violation has been corrected.

(g) *Additional authority.* The authority granted by this Section is in addition to any authority granted to the Director under Chapter 8 regarding building permits and use and occupancy permits, Chapter 17 regarding electrical permits, or Division 59-G-1 regarding special exceptions.

**29B-11. Penalties and injunctive relief.**

(a) *Penalties.* A violation of this Chapter is a Class A civil violation. Each day a violation continues is a separate offense.
(b) *Injunctive relief.* The Department may seek injunctive or other appropriate judicial relief to stop or prevent any continuing violation of this Chapter.

**29B-12. Appeals.**

A person aggrieved by a final decision of the Director regarding a lighting plan under Section 29B-6 or a modification under Section 29B-8 may appeal the decision to the Board of Appeals, under the procedures specified in Section 2-113, within 30 days after the Director issues the decision.

**29B-13. Regulations**

The County Executive must adopt regulations under method (2) as necessary to administer this Chapter. Those regulations must:

(a) set standards for shielding, aiming, efficacy, color rendition, power density, illuminance, luminance, controls, and off-site spill that are consistent with Section 29B-5;

(b) identify any outdoor lighting system that is exempt from this Chapter under Section 29B-7, in addition to those that are listed in Section 29B-7;

(c) set standards for the design, content, size, and location of the sign that must be posted by an applicant before a public hearing on a modification under Section 29B-8;

(d) set fees sufficient to offset the cost of administering this Chapter; and

(e) identify equipment and techniques that must be used to measure compliance.

**Sec. 3. Applicability; initial regulations.**

(a) Chapter 29B, as added by this Act, applies to any building permit, use and occupancy permit, electrical permit, special exception, or site plan for which an application is filed on or after January 1, 2008.
(b) Any outdoor light fixture or outdoor lighting system lawfully installed before and operable on January 1, 2008 that does not comply with Chapter 29B, as added by this Act, must be brought into compliance by January 1, 2013.

(c) By September 15, 2007, the County Executive must adopt, and submit to the Council under County Code Section 2A-15, regulations that meet the requirements of Section 29B-13, as added by this Act.

Approved:

Marilyn Praisner, President, County Council

Approved:

Isiah Leggett, County Executive

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council
ATTACHMENT 2
Zoning Text Amendment No: 07-01
Concerning: Outdoor Lighting Standards
Draft No. & Date: 4–26/07
Introduced: February 13, 2007
Public Hearing: March 20, 2007; 1:30 p.m.
Adopted:
Effective:
Ordinance No:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND

By: Council President Praisner and Councilmember Trachtenberg

AN AMENDMENT to the Montgomery County Zoning Ordinance to:
- make standards and procedures governing outdoor lighting consistent with the
  County Light Control Law;
- require non-conforming lighting to comply with the County Light Control Law by
  a certain date; and
- generally amend provisions relating to outdoor lighting.

By amending the following sections of the Montgomery County Zoning Ordinance,
Chapter 59 of the Montgomery County Code:

DIVISION 59-A-4  “County Board of Appeals”
Section 59-A-4.22  “Data to accompany petition for special exception”
DIVISION 59-C-2  “Residential Zoning, Multiple-Family”
Section 59-C-2.23  “R-H zone-lighting”
DIVISION 59-C-4  “Commercial Zones”
Section 59-C-4.367  “Special regulations applicable to designated automobile-related
  users”
Section 59-C-4.397  “Off-street parking”
DIVISION 59-C-5  “Industrial Zones”
Section 59-C-5.473  “Development standards”
DIVISION 59-C-7  “Planned Unit Development Zones”
Section 59-C-7.27  “Utilities”
Section 59-C-7.57  “Public facilities and utilities”
DIVISION 59-C-9  “Agricultural Zones”
Section 59-C-9.31  “Equestrian facility standards as permitted use in the agricultural
  zones”
DIVISION 59-C-11  “Mixed-Use Town Center Zone (MXTC)”
Section 59-C-11.3.1  “Site plan approval”
DIVISION 59-C-12  “Mineral Resources Recovery Zone”
Section 59-C-12.6  “Special regulations”
DIVISION 59-C-18 “Overlay Zones”
Section 59-C-18.104 “Site plan contents and exemptions”
Section 59-C-18.124 “Site plan contents and exemptions”
Section 59-C-18.184 “Site plan contents and exemptions”
Section 59-C-18.232 “Regulations”
DIVISION 59-D-3 “Site Plans”
Section 59-D-3.23 “Proposed development”
Section 59-D-3.4 “Action by Planning Board”
DIVISION 59-E-2 “Plans and Design Standards”
Section 59-E-2.6 “Lighting”
DIVISION 59-E-4 “Parking Facility Plans for Projects Constructed in Accordance with Building Permits file after June 28, 1984”
Section 59-E-4.1 “Parking facilities plan objectives”
DIVISION 59-F-4 “Permanent Signs”
Section 59-F-4.1 “Generally”
DIVISION 59-G-1 “Special Exceptions – Authority and Requirements”
Section 59-G-1.23 “General development standards”
DIVISION 59-G-2 “Special Exceptions – Standards and Requirements”
Section 59-G-2.06 “Automobile filling stations”
Section 59-G-2.09 “Automobile, truck and trailer rentals, outdoor”
Section 59-G-2.11.1 “Car wash”
Section 59-G-2.15 “Combination retail store”
Section 59-G-2.16 “Drive-in restaurants”
Section 59-G-2.24 “Golf course and country club”
Section 59-G-2.241 “Golf course in the RDT zone”
Section 59-G-2.36.4 “Meeting centers”
Section 59-G-2.45 “Equestrian facility in residential zone”

By adding the following section to the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-G-4 “Nonconforming Uses, Buildings, and Structures”
Section 59-G-4.6 “Termination of nonconforming outdoor lighting”

EXPLANATION: **Boldface** indicates a heading or a defined term.
*Underlining* indicates text that is added to existing laws by the original text amendment.
[S]ingle boldface brackets] indicate text that is deleted from existing law by the original text amendment.
(Double underlining) indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
***indicates existing law unaffected by the text amendment.
ORDINANCE

The County Council for Montgomery County, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:
Sec. 1. Division 59-A-4 is amended as follows:

DIVISION 59-A-4. COUNTY BOARD OF APPEALS.

* * *

59-A-4.22. Data to accompany petition for special exception.

(a) Each petition for special exception must be accompanied at the time
of its filing by 4 copies of a statement that includes:

* * *

(4) Complete information concerning the size, type, and location of
any existing and proposed trees, landscaping, and screening[, and exterior illumination]. This requirement may be satisfied by
site plan documents which comply with the requirements of
[section] Section 59-D-3.2, as provided in subsection (b)(2)

* * *

(10) (A) A lighting plan approved by the Department under
Section 29B-6; or

(B) If the lighting is exempt from Section 29B-6, a diagram
showing the type, location, and height of each outdoor
light fixture and any other information necessary to show
how the lighting complies with Chapter 29B.

[(10)] (11) All additional exhibits which the applicant intends to
introduce.

[(11)] (12) A summary of what the applicant expects to prove,
including the names of applicant's witnesses, summaries of the
testimonies of expert witnesses, and the estimated time required
for presentation of the applicant's case.

* * *

Sec. 2. Division 59-C-2 is amended as follows:
DIVISION 59-C-2. RESIDENTIAL ZONES, MULTIPLE-FAMILY.

* * *

[Luminaries] In addition to complying with the lighting standards established under Chapter 29B, luminaries on parking lots must not be more than 10 feet above ground level and outdoor lighting must not shine in apartment windows or reflect or cause glare into abutting or facing premises.

Sec. 3. Division 59-C-4 is amended as follows:

DIVISION 59-C-4. COMMERCIAL ZONES.

* * *

59-C-4.367. Special regulations applicable to designated automobile-related uses.

* * *

(c) Lighting. [In order to prevent any objectionable glare on surrounding properties or streets, the exterior lighting plan that is submitted as part of the required site plan must indicate the height, number and types of lighting fixtures, and a diagram showing their light distribution characteristics] The petitioner must submit:

(1) a lighting plan approved by the Department under Section 29B-6; or

(2) if the lighting is exempt from Section 29B-6, a diagram showing the type, location, and height of each outdoor light fixture and any other information necessary to show how the lighting complies with Chapter 29B.

* * *

59-C-4.397. Off-street parking.

* * *
Design. The design and location of any parking facility must minimize any adverse effect [upon] on surrounding land and development[,] and comply with the following requirements:

*  *  *

(3) [Low-level lighting, designed so as to prevent glare off the site] Lighting must comply with the standards set under Chapter 29B: *  *  *

Sec. 4. Division 59-C-5 is amended as follows:

DIVISION 59-C-5. INDUSTRIAL ZONES.

*  *  *

59-C-5.473. Development standards.

*  *  *

(j) Site lighting standards.

(1) Site lighting must [be provided to] maintain a minimum level of illumination within the parking areas (ft. candle minimum maintained).

(2) [Maximum] In addition to complying with all lighting standards set under Chapter 29B, maximum pole heights for drives and parking lots must be approximately 24 feet with "cut off" type luminaries. Poles and luminaries must be compatible with established lighting in the existing core area.

(3) Lighting bollards must be used adjacent to pedestrian walk areas. The design must be compatible with architectural materials.

Sec. 5. Division 59-C-7 is amended as follows:

DIVISION 59-C-7. PLANNED UNIT DEVELOPMENT ZONES.
59-C-7.27. Utilities.

(a) All utility lines in the town sector zone [shall] must be placed underground. The developer or subdivider [shall] must ensure final and proper completion and installation of utility lines as provided in [the subdivision regulations, being section] Section 50-40(c) [of this Code]. [Standards for] All street lighting [shall be provided by the developer in accordance with the approved site plan] must comply with all lighting standards set under Chapter 29B.

59-C-7.57. Public facilities and utilities.

(b) All utility lines in the mixed use planned development zone [shall] must be placed underground. The developer or subdivider [shall] must ensure final and proper completion and installation of utility lines as provided in [the subdivision regulations being section] Section 50-40(c) [of this Code]. [Standards for] All street lighting [shall be provided by the developer in accordance with the approved site plan] must comply with all lighting standards set under Chapter 29B.

Sec. 6. Division 59-C-9 is amended as follows:

DIVISION 59-C-9. AGRICULTURAL ZONES.


(f) Lighting.
[Any] In addition to complying with all lighting standards set under Chapter 29B, all outdoor arena lighting must direct light downward using full cutoff fixtures, not produce any glare or direct light onto nearby properties, and not be illuminated after 10 p.m., except for an equestrian event which must not be illuminated after 9 p.m. Sunday through Thursday. [A lighting plan that establishes compliance with this provision must be submitted to Planning Board staff for approval before an electrical permit may be issued] Before the Department issues an electrical permit, the petitioner must submit to the Department:

(1) a lighting plan approved by the Department under Section 29B-6; or

(2) if the lighting is exempt from Section 29B-6, a diagram showing the type, location, and height of each outdoor light fixture and any other information necessary to show how the lighting complies with this Section and Chapter 29B.

*   *   *

Sec. 7. Division 59-C-11 is amended as follows:

DIVISION 59-C-11. MIXED-USE TOWN CENTER ZONE (MXTC).

*   *   *

59-C-11.3.1. Site Plan Approval.

For the MXTC zone and the MXTC/TDR zone, site plan approval is required for:

*   *   *

2. All optional method development projects. For an optional method development project, the Board must find that the proposed development:
a. conforms to recommendations of the applicable [approved and adopted] master or sector plan;

b. is not detrimental to any existing development [due to] because of the size, intensity, design, scale, and operational characteristics of its uses;

c. satisfies the public use space requirements of the zone;

d. takes maximum advantage of the topography, vistas, facade articulation, and other urban design elements to create an attractive physical environment;

e. provides adequate linkages among different functions or structures, open areas, public amenities, parking, and adjoining properties and streets; [and]

f. provides adequate parking and loading service areas with appropriate landscaping[,] and screening[, and lighting that will not adversely affect adjoining neighborhoods]; and

g. in addition to complying with all lighting standards set under Chapter 29B, provides lighting that does not adversely affect adjoining neighborhoods.

Sec. 8. Division 59-C-12 is amended as follows:

DIVISION 59-C-12. MINERAL RESOURCE RECOVERY ZONE.

* * *

59-C-12.6. Special regulations.

* * *

(e) Lighting. An exterior lighting plan that shows how the lighting complies with all standards set under Chapter 29B must be included with the development plan, indicating the height, number and types of fixtures, and a diagram showing their distribution characteristics.
Sec. 9. Division 59-C-18 is amended as follows:

DIVISION 59-C-18. OVERLAY ZONES.

59-C-18.104. Site plan contents and exemptions.

(b) A site plan for development in the Wheaton CBD overlay zone must include:

(8) [an exterior lighting plan, including all parking areas, driveways and pedestrian ways, alleys, building security lights, and the height, number, and type of fixtures with a diagram showing their light distribution characteristics]

(A) a lighting plan approved by the Department under Section 29B-6; or

(B) if the lighting is exempt from Section 29B-6, a diagram showing the type, location, and height of each outdoor light fixture and any other information necessary to show how the lighting complies with Chapter 29B; and

59-C-18.124. Site plan contents and exemptions.

(b) A site plan for development in the Arlington Road District overlay zone must include:

(8) [an exterior lighting plan, including all parking areas, driveways and pedestrian ways, and the height, number, and
type of fixtures with a diagram showing their light distribution characteristics]

(A) a lighting plan approved by the Department under Section 29B-6; or

(B) if the lighting is exempt from Section 29B-6, a diagram showing the type, location, and height of each outdoor light fixture and any other information necessary to show how the lighting complies with Chapter 29B; and

*   *   *

59-C-18.184. Site plan contents and exemptions.

*   *   *

(b) A site plan for development in the Sandy Spring/Ashton Rural Village Overlay Zone must include:

*   *   *

(10) [An exterior lighting plan, including all parking areas, driveways and pedestrian ways, and the height, number, and type of fixtures with a diagram showing their light distribution characteristics]

(A) a lighting plan approved by the Department under Section 29B-6; or

(B) if the lighting is exempt from Section 29B-6, a diagram showing the type, location, and height of each outdoor light fixture and any other information necessary to show how the lighting complies with Chapter 29B; and

*   *   *

(a) **Commercial zones.** Where a lot is either partially or totally in a commercial zone, the following regulations apply:

* * *

(2) **Development standards:**

* * *

(G) [All] In addition to complying with all lighting standards set under Chapter 29B, all outdoor lighting of commercial uses must be located, shielded, landscaped or otherwise buffered so that no direct light intrudes into an adjacent residential property. Unless the Planning Board requires different standards for a recreational facility or to improve public safety, luminaries must incorporate a glare and spill light control device to minimize glare and light trespass.

* * *

Sec. 10. Division 59-D-3 is amended as follows:

DIVISION 59-D-3. SITE PLAN.

* * *


A plan of the proposed development, including the following information unless the Planning Director waives any item at the time of application as unnecessary because of the limited scope of the proposal:

* * *

(1) [An exterior lighting plan, including all parking areas, driveways and pedestrian ways, and including the height, number and type of fixtures and a diagram showing their light distribution characteristics]
(A) A lighting plan approved by the Department under Section 29B-6; or

(B) If the lighting is exempt from Section 29B-6, a diagram showing the type, location, and height of each outdoor light fixture and any other information necessary to show how the lighting complies with Chapter 29B.

* * *

59-D-3.4. Action by Planning Board.

* * *

(c) In reaching its decision the Planning Board must require that:

* * *

(5) the site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, Chapter 29B regarding outdoor lighting, and any other applicable law.

* * *

Sec. 11. Division 59-E-2 is amended as follows:

DIVISION 59-E-2. PLANS AND DESIGN STANDARDS.

* * *


Adequate lighting [shall] must be provided for surface parking facilities used at night and for structured parking as required by construction codes. [Lighting shall] In addition to complying with all lighting standards set under Chapter 29B, lighting must be installed and maintained in a manner that does not [to] cause glare or reflection into abutting or facing residential premises[, nor to] or interfere with safe operation of vehicles moving on or near the premises.

Sec. 12. Division 59-E-4 is amended as follows:

* * *

59-E-4.2. Parking facilities plan objectives.

A parking facility plan [shall] must accomplish the following objectives:

* * *

(d) The provision of appropriate lighting that complies with all lighting standards set under Chapter 29B, if the parking [is to] will be used after dark.

Sec. 13. Section 59-F-4.1 is amended as follows:


* * *

(e) illumination. When illumination of a sign is permitted it must comply with the following restrictions:

* * *

(2) Prevention of Glare. [Sign] In addition to complying with all lighting standards set under Chapter 29B, sign illumination must use an enclosed lamp design or indirect lighting from a shielded source in a manner that prevents glare from beyond the property line. Glare is a direct or reflected light source creating a harsh brilliance that causes [the] an observer to squint, shield, or avert the eyes.

* * *

Sec. 14. Division 59-G-1 is amended as follows:

DIVISION 59-G-1. SPECIAL EXCEPTIONS—AUTHORITY AND PROCEDURE.
59-G-1.23. General development standards.

(h) Lighting in residential zones. [All] In addition to complying with all lighting standards set under Chapter 29B, all outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety:

(1) Luminaires must incorporate a glare and spill light control device to minimize glare and light trespass.

(2) Lighting levels along the side and rear lot lines must not exceed 0.1 foot candles.

Sec. 15. Division 59-G-2 is amended as follows:

DIVISION 59-G-2. SPECIAL EXCEPTIONS—STANDARDS AND REQUIREMENTS.

59-G-2.06. Automobile filling stations.

(b) In addition, the following requirements must be complied with:

(3) [Lighting is] In addition to complying with all lighting standards set under Chapter 29B, lighting must not [to] reflect or cause glare into any residential zone.

59-G-2.09. Automobile, truck and trailer rentals, outdoor.
(b) In addition, the following requirements must be complied with:

* * *

(6) [Lighting shall] In addition to complying with all lighting standards set under Chapter 29B, lighting must be low level and [so] arranged [as] not to reflect or cause glare into any residential zone.

* * *


In addition to meeting the general conditions for the grant of a special exception a car wash may be allowed [provided that] if:

* * *

(d) in addition to complying with all lighting standards set under Chapter 29B, lighting [is] would not [to] reflect or cause glare into any residential area.

* * *

59-G-2.15. Combination Retail Store.

A special exception for a combination retail store may be granted, subject to the following requirements:

* * *

(f) [Lighting] In addition to complying with all lighting standards set under Chapter 29B, lighting must not reflect[,] or cause glare[,] on any property located in a residential zone.


A drive-in restaurant may be allowed, [upon a finding] if the Board finds, in addition to findings required in [division] Division 59-G-1, that:

* * *
(f) [Lighting is] In addition to complying with all lighting standards set under Chapter 29B, lighting would not [to] reflect or cause glare into any residential zone.

* * *


A golf course or country club must adhere to the following standards and requirements:

* * *

(c) [All] In addition to complying with all lighting standards set under Chapter 29B, all outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into any residential area.

* * *


* * *

(f) No outdoor lighting is permitted except for security and safety purposes. [Any such] In addition to complying with all lighting standards set under Chapter 29B, all lighting must be shielded so that direct light is not visible from any residence and would not adversely affect an adjoining road, highway, or other nearby use.

* * *

59-G-2.36.4. Meeting centers.

* * *

(b) [Lighting] In addition to complying with all lighting standards set under Chapter 29B, all lighting, including permitted illuminated signs and on-site lighting, must be arranged so [as] it does not [to] reflect or cause glare into any residential zone. Further automobile headlight
glare from the use must be fully screened from any abutting residential use.

* * *

59-G-2.45. Recreational or entertainment establishments, commercial.

* * *

(b) [Lighting is] In addition to complying with all lighting standards set under Chapter 29B, lighting must not [to] reflect or cause glare into any residential zone.

* * *

59-G-2.49. Equestrian facility in a residential zone.

* * *

(g) [Any] In addition to complying with all lighting standards set under Chapter 29B, any outdoor arena lighting must direct light downward using full cutoff fixtures, not produce any glare or direct light onto nearby properties, and not be illuminated after 10 p.m. except for an equestrian event which must not be illuminated after 9 p.m. Sunday through Thursday. [The Board may require that a lighting plan be submitted to Planning Board staff for approval] The petitioner must submit:

(A) A lighting plan approved by the Department under Section 29B-6; or

(B) If the lighting is exempt from Section 29B-6, a diagram showing the type, location, and height of each outdoor light fixture and any other information necessary to show how the lighting complies with this Section and Chapter 29B.

Sec. 16. Division 59-G-4 is amended as follows:
Section 59-G-4.6 is added as follows:

59-G-4.6. Termination of nonconforming outdoor lighting.

(a) Notwithstanding any other provision of this Article, each building, structure, and use must comply with the applicable lighting standards under Chapter 29B.

(b) In order to provide a period of amortization, any outdoor light fixture or outdoor lighting system for a building, structure, or use that exists before January 1, 2008 and was legal when installed may continue to be used until January 1, 2013.

(c) On January 1, 2013, the use of any nonconforming outdoor lighting system must stop.

Sec. 17. Effective date. This ordinance takes effect on January 1, 2008.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council