

22. Approval of a Text Amendment to the Zoning Ordinance to amend Chapter 18, "Outdoor Lighting." (Second Reading)

Councilmember Dippolito introduced this item and said he understands there have been a number of changes and he asked Mr. Fischer to go over those.

Deputy City Administrator Michael Fischer presented this item stating, "You have a sheet in your packet that has the actual changes that have been made and then you have the copy from after the first meeting when we made the changes coming into Committee, then you have the marked up copy that has all the changes on it. But, I can go over those on the list for you quickly if you would like, because I think they are everything that we have talked about to this point. On the memo, there was obviously two sections that we talked about where there were modifications that were included in having to change to go to the newer lights with the permitting and it was suggested to take '*or modifications*' out from the building design which if somebody just wanted to come and redo a façade or something that really shouldn't affect the lights and the permits; so those were taken out going into the Committee meeting."

Mr. Fischer said, "At Committee meeting there were a few comments that were made to take the dwelling units in the minor projects and use the same definition for that as we did for the major type projects so that change was made in 18.2.3-A. In 18.2.3-C there was also some discussion about neon lighting and as some of the prohibited lighting, neon lighting was to be added so that it was not excluded if it was to be backlighting or accent lighting provided you could not see that neon light source so it couldn't be just hanging out to be viewed from the public. 18.2.5-B.6, we removed that entire section. That had to do with the Overlay Improvement Districts and that also was one of the things that was brought up in the Planning Commission...they had some note about making it more restrictive of the one but that doesn't even need to be in there according to Alice from our Community Development so that number 6 went out entirely and that was part of the Committee. 18.2.5 C.1 was to define security lighting. There was no real definition of what security lighting was so that definition has been placed in there, '*Lighting that provides a level of illumination to clearly identify persons or objects and creates a psychological deterrent to unwanted and/or unsafe activity in the area being protected.*' In other words, any kind of lights that would shine into an area for that reason could be considered as security lighting but still must be targeted and directed into an area and cannot flood out into outlying areas. 18.2.5 F.1 was in the temporary lighting section; if they wanted temporary lighting and they needed a permit we moved that to where just the Zoning Director could make that approval. In 18.2.5 F.1.c, we removed the 10:30 p.m. extinguishing time for temporary lighting if there were functions that were going on later on into the night on a temporary basis, they could come, get a permit, give us their plans and be able to go on past 10:30 p.m. Those were the changes that were made from either the last Council meeting of the first reading or the Committee meeting."

Mr. Fischer continued to say, "There were three items that were brought up at the Planning Commission. The first one they asked in 18.2.3 B was '*To include signs under the Exempt Lighting*'. Signs have their own sign ordinance as you all well know, that is a very intricate, very detailed ordinance, so the signs can stay in the ordinance. What comes into play in this lighting ordinance is the exterior lighting that may be shining on lights that aren't normally internally lit. And with that, I would recommend we keep, we don't put signs as excluded because they are already in another ordinance. But those lights that shine up at lights still need to follow this ordinance and be targeted specifically at the signs. The next one, 18.2.3-C.5, stated that we should '*State exposed neon lighting*', which we had done after the last Committee meeting, so that one was included. And, then where they made the comment about 18.2.5-B.6, '*Should*

indicate that the more restrictive standards will apply’ is the one with the Overlay Districts that was just taken out completely anyway, so it is no longer needed.”

Mr. Fischer said he thought all of the comments made up to this point for the second reading had been covered, and recommended approval of the Second Reading with the comments made at the Mayor and City Council meeting, the Committee meeting, and the Planning Commission meeting.

Mayor Wood asked Mr. Davidson to read the ordinance.

City Attorney David Davidson conducted the second reading of an ***ORDINANCE TO AMEND CHAPTER 18, “OUTDOOR LIGHTING”, OF THE ROSWELL ZONING ORDINANCE*** stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance:

1.

Chapter 18, *Outdoor Lighting*, of the Zoning Ordinance of the City of Roswell, Georgia is hereby amended by deleting *Chapter 18.2, Outdoor Lighting Regulations*, in its entirety and substituting therefor a new *Chapter 18.2, Outdoor Lighting Regulations*, to read as follows:

18.2 – OUTDOOR LIGHTING REGULATIONS

18.2.1. Purpose and Intent. The purpose and intent of this ordinance is to provide a regulatory strategy for outdoor lighting that will permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce; curtail and reverse the degradation of the nighttime visual environment and the night sky; preserve the dark night sky for astronomy; minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary; conserve energy and resources to the greatest extent possible; and help to protect the natural environment from the damaging effects of night lighting from man-made sources.

18.2.2. Conformance With Applicable Codes. All outdoor illuminating devices shall be installed in conformance with the provisions of this ordinance, the Building Code and the Electrical Code as applicable and under appropriate permit and inspection. Where there is conflict between the provisions of this ordinance and other regulations, the most restrictive provision shall prevail.

18.2.3. Applicability. For all land uses, developments and buildings that require a permit, all outdoor lighting fixtures shall meet the requirements of this ordinance. All building additions of fifty (50) percent or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this provision, shall invoke the requirements of this ordinance for the entire property, including previously installed and any new outdoor lighting. Cumulative modification or replacement of outdoor lighting constituting sixty (60) percent or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a non-conforming site, shall constitute a major addition for purposes of this section.

A. **Minor Additions.** Additions of less than fifty (50) percent of additional dwelling units, gross floor area, or parking spaces that require a permit, and that include changes to existing lighting shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site shall meet the requirements of this ordinance with regard to shielding and lamp type.

B. **Exempt Lighting.** The following luminaries and lighting systems are exempt from these requirements:

1. Lighting for pools used at night.
2. Underwater lighting used for the illumination of swimming pools and fountains;
3. Temporary holiday lighting;

4. Lighting required and regulated by the Federal Aviation Administration, or other federal, state or local agency;
 5. Emergency lighting used by police, fire, or medical personnel, or at their direction;
 6. All outdoor light fixtures producing light directly from the combustion of fossil fuels, such as kerosene and gasoline;
 7. Security lighting controlled and activated by a motion sensor device for a duration of 10 minutes or less.
- C. *Prohibited Lighting.* The following lighting systems are prohibited:
1. Aerial lasers;
 2. Searchlight style lights;
 3. Other very intense lighting, defined as having a light source exceeding 200,000 lumens or intensity in any direction of 2 million candelas or more;
 4. Mercury vapor lamps;
 5. Neon lighting. Excluding neon lighting used for accent lighting or backlighting of signs so long as the neon source is not visible.

18.2.4. Outdoor Lighting Standards. All nonexempt outdoor lighting fixtures shall meet the following criteria:

A. Shall be full cutoff placed so as to allow no light above the horizontal as measured at the luminaire, except as herein noted in this ordinance (as in the case of period fixtures, cutoff fixtures may be used).

B. Shall be located, aimed or shielded so as to minimize glare and stray light trespassing across property boundaries and into the public right of way in accordance with the following standards:

At Property Lines Including Rights-of-Way	Maximum Foot-candles
At property line abutting a residential or an agricultural use	1.0
At property line abutting an office or institutional use	1.5
At property line abutting a commercial or industrial use	1.5

Off-Street Parking Lots	Minimum Foot-candles	Average Foot-candles	Maximum Foot-candles
Residential areas	0.5	2.0	4.0
Office-professional areas	1.0	3.0	6.0
Commercial areas	2.0	6.0	12.0
Light industrial areas	1.0	4.0	8.0

C. Flood or spot lamps must be positioned no higher than 45 degrees above straight down (half-way between the vertical and the horizontal) when the source is visible from any off-site residential property or public roadway.

D. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described herein for fully shielded fixtures.

E. Multi use development lighting must conform to the standards of its respective use.

F. Illumination levels are measured from any height and orientation of the measuring device at any location along the property line, except the lighting of parking lots shall be measured at grade with the meter sensor held horizontally on the surface.

18.2.5. Special Uses. All lighting not directly associated with the special use areas designated below shall conform to the lighting standards described in this ordinance.

A. *Outdoor Sports, Recreation Fields, or Performance Areas.* Lighting of outdoor recreational facilities (public or private), such as, but not limited to, outdoor athletic fields, courts, tracks, special event or show areas shall meet the following requirements:

1. Facilities designed for municipal leagues, elementary to high school levels of play and training fields for recreational or social levels of play, college play, semi-professional, professional or national levels of play shall utilize luminaries with minimal uplight consistent with the illumination constraints of the design. Where fully shielded fixtures are not utilized, acceptable luminaries shall include those which:
 - a. Are provided with internal and/or external glare control louvers or lenses, and are installed so as to minimize uplight and offsite light trespass and glare; and
 - b. Are installed and maintained so as to avoid aiming no more than 2.5 times the mounting height.
2. Illuminance. All lighting installations shall be designed to achieve the illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6).
3. Off Site Spill. The installation shall also limit off-site spill (off the parcel containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design. For all recreational or social levels of play and training fields, as well as, performance areas, illumination levels shall not exceed 1.5 foot-candles at any location along any non-residential property line, and 0.5 foot-candles at any location along any residential property line.
4. Curfew. All events shall be scheduled so as to complete all activity no later than 10:30 p.m. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances. Field lighting for these facilities shall be turned off within 30 minutes after the last event of the night.
5. Setback. All light poles shall be set back the greater of fifty feet or one foot for every foot in height from any residential property line or right-of-way.

B. *Service Station Canopies and Parking Structures.*

1. All luminaries mounted on or recessed into the lower surface of service station canopies and parking structures shall be fully shielded and utilize flat lenses.
2. The total light output of luminaries mounted on the lower surface, or recessed into the lower surface of the canopy, and any lighting within signage or illuminated panels over the pumps, shall not exceed 50 foot-candles.
3. The total light output of illuminated areas of a service station other than as detailed in 2. above shall not exceed 15 foot-candles.
4. Illuminance levels for the interior of parking structures, where interior lighting is visible from outside the structure, shall conform to the IESNA recommendation (RP-20).
5. Lights shall not be mounted on the top or sides of a canopy and the sides of a canopy shall not be illuminated.

C. *Security Lighting.*

1. Lighting that provides a level of illumination to clearly identify persons or objects and creates a psychological deterrent to unwanted and/or unsafe activity in the area being protected.
2. Security lighting shall be directed toward the targeted area.
3. Sensor activated lighting must be located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and the light shall not be triggered by activity off the property.

D. *Pedestrian Path Lighting.*

1. Lighting post shall not exceed 16 feet from the finished grade.

E. *Architectural Accent Lighting.*

1. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded to minimize light spill into the dark night sky in conformance with the luminaire standards.
2. Lighting fixtures shall not generate glare, or direct light beyond the facade onto a neighboring property, streets or into the night sky.

F. *Temporary Lighting Permits.*

1. Permits for temporary lighting will be granted by the Zoning Director, if the total output from the luminaries does not exceed 50 foot-candles and the following conditions apply:
 - a. The purpose for which the lighting is proposed can be completed within thirty (30) days, except that the permit for a major construction project may extend to completion.
 - b. The proposed lighting is designed in such a manner as to minimize light trespass and glare.
2. The application for the Temporary Lighting Permit shall include, but not be limited to, the following information:
 - a. Name and address of applicant and property owner;
 - b. Location of proposed luminaire(s);
 - c. Date and times for the lighting;
 - d. Type, wattage and lumen output of lamp(s);
 - e. Type and shielding of proposed luminaries;
 - f. Intended use of the lighting;
 - g. Duration of time for requested exemption;
 - h. The nature of the exemption; and
 - i. The means to minimize light trespass and glare.

G. *Commercial Parking Areas.*

1. All lighting fixtures servicing parking lots, except floodlights, shall be cutoff fixtures, directed downward and not toward buildings or other areas.
2. The minimum illumination level for a parking lot shall be 0.4 foot-candles at grade level and the ratio of the average illumination to the minimum illumination shall not exceed 4:1.
3. Floodlights should be aimed or shielded to minimize uplight.
4. Light poles used in parking lots shall not exceed 35 feet in height.

H. *Street lights.*

1. All street light fixtures new, repaired (outside of normal maintenance) or replaced fixtures shall be cutoff.

18.2.6. Variances.

A. Any person may submit an application to the Board of Zoning Appeals for a variance from the provisions of this ordinance. The application should include, but not be limited to, evidence about the following:

1. How the proposed design and appearance of the luminaire are superior;
2. How light trespass and glare will be limited;
3. How the proposed solution will provide a benefit without negative impact on the health, safety, or welfare of the community.

B. The application may include the recommended practices of the Illuminating Engineering Society of North America, a professional engineer, or other authority on outdoor lighting.

18.2.7. Submission of Plans and Evidence of Compliance. The applicant for any permit required by any provision of the laws of the City of Roswell in connection with proposed work involving outdoor lighting fixtures shall submit, as part of the application for permit, evidence that the proposed work will comply with this ordinance. Even should no other such permit be required, the installation or modification, except

for routine servicing and same-type lamp replacement of any exterior lighting, shall require submission of the information described below. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of the City of Roswell upon application for the required permit:

A. Plans indicating the location on the premises of each illuminating device, both proposed and any already existing on the site.

B. Description of all illuminating devices, fixtures, lamps, supports, reflectors, both proposed and existing. The description may include, but is not limited to catalog cuts and illustrations by manufacturers.

C. Photometric data, such as that furnished by manufacturers or similar, showing the angle of cut off of light emissions.

Additional Submission. The above required plans, descriptions and data shall be sufficiently complete to enable the Department to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

Subdivision Plats. All new subdivided properties shall submit information as described herein for installed street lights and other common or public area outdoor lighting.

Certification. For all projects, certification that the lighting as installed, conforms to the approved plans shall be provided by an illumination engineer/professional before the Certificate of Occupancy is issued. Until this certification is submitted, approval for use by the issuance of the Certificate of Occupancy shall not be issued.

Mr. Davidson noted that if approved this would be the second reading.

Motion: Councilmember Dippolito made a motion for **Approval of a Text Amendment to the Zoning Ordinance to amend Chapter 18, "Outdoor Lighting" on Second Reading.** Councilmember Igleheart seconded.

Mayor Wood asked for Council questions or comments.

Council Comment:

Councilmember Wynn asked for clarification because she thought she missed the last Committee meeting. She said, "Neon lighting, you know...where it says 'open', that is not part of this because that is interior to the building." Mr. Fischer replied, "Correct." Councilmember Wynn replied, "This is just exterior." Mr. Fischer replied, "Correct, this is exterior lighting." Councilmember Wynn said, "Okay, so that has nothing to do with that. I just wanted a clarification, thank you."

Public comments were invited. None were made. There was no further Council discussion.

Vote: The motion passed unanimously.