

AGENDA ITEM SUMMARY**ITEM NO:****FLORENCE CITY COUNCIL**

Meeting Date: October 20, 2014
Department: Planning

ITEM TITLE: **Initiate Dark Sky Code Amendments**

BACKGROUND AND INFORMATION:

On January 6, 2014 the Florence City Council adopted their 2014 Council Goals. Council goals are used to set priorities, direct work activities, and allocate staff and financial resources. This staff report addresses Goal 9: "Implement "Dark Sky" Lighting Regulations". Dark Sky lighting regulations focus on eliminating glare and light trespass through bulb shielding, reducing light clutter by targeted light fixture placement (right light for the right job), and reducing energy waste by supporting LEDs, and the use of timers, dimmers, and sensors.

Presently, city code regulates lighting inconsistently. There are differences in criteria between zones, and inconsistent or incorrect word and phrase usages such as "down shielded". The most recent ordinance related to lighting requires lighting in parking lots and bicycle parking areas. This code, because it is newer, is the most prescriptive limiting lighting fields, directing light fixtures downward, shielding glare and limiting light usage, excepting for security, to business hours. Most lighting criteria in other chapters are too general or undefined and subject to interpretation. Due to the piecemeal implementation of new zoning districts and design guidelines since 2001 the language and criteria varied between districts. Many have no lighting criteria at all.

Regardless of the inconsistencies or incorrect word choices the policies demonstrate that the city has had a clear interest in regulating lighting to not create a nuisance to adjoining properties, traffic movement on adjoining streets, and even preventing night sky pollution. To address the inconsistencies and incorporate terminology recommended by the International Dark Sky Association to the existing City of Florence' policy direction staff has identified amendments to Florence City Code attached as Attachment 1.

PROCESS:

After the code amendments are formally initiated by Council, the Planning Commission would hold this first public hearing prior to making a recommendation to the City Council. Staff consulted with Dave Perry, South Coast Department of Land Conservation and Development representative and he confirmed that the proposed text amendments are nuisance related rather than land use and thus do not require filing the DLCD Form 1, 35 day notice. After the Planning Commission makes a recommendation the City Council would then hold a public hearing, prior to making a final decision to adopt amendments to the City code.

ALTERNATIVES:

1. Pass a motion to initiate proposed amendments to the City Code as presented.
 2. Pass a motion to initiate the proposed amendments to the City Code as presented with changes as directed by Council.
 3. Postpone initiating amendments to the City Code to a future date.
 4. Decide not to initiate any code amendments at this time.
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FISCAL IMPACT:

Most of the fiscal impact of processing code amendments will be in staff time: preparing public notices, staff reports, and meeting minutes; and attending public hearings and answering inquiries from the public. There will be some direct costs on the order of a few hundred dollars in terms of the notices published in the newspaper and for preparing meeting packets. It is anticipated that these changes would not be controversial and therefore, the process should be streamlined.

RECOMMENDATION:

Initiate the proposed amendments to the City Code as proposed or with changes as directed by Council.

This AIS was prepared by:

Wendy FarleyCampbell, Planning Director

CITY MANAGER'S RECOMMENDATION: Approve/Disapprove/Other

ATTACHMENTS:

Attachment 1: Proposed Amendments to Title 10

Attachment 1
Land Use Amendments
Florence City Code Title 10

FCC 10-1-4

Florence City Code Title 10, Chapter 1, Section 4 is amended to insert the following definitions, in alphabetical order:

AVERAGE FOOTCANDLE - The level of light measured at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at four to five feet above the ground.

CAPPED- Applies to residential porch lights of 60 watts or less or the incandescent equivalent and means the fixture has a cover over the top but doesn't mean the entire horizontal portion of the lamp or bulb must be covered.

EXISTING LIGHTING - Any and all lighting installed prior to the effective date of (insert date).

EXTERIOR LIGHTING - Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this code.

FIXTURE- The assembly that holds the lamp or bulb in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

FOOTCANDLE - Illuminance produced on a surface one foot from a uniform point source of one candela. Measured by a light meter.

FULL CUTOFF- A light fixture designed, constructed, or shielded so that light emitted by the fixture, either directly from the lamps or indirectly from the fixture so that no light is projected above the horizontal plane.

GLARE- Stray unshielded light striking the eye that may result in (a) nuisance or annoyance such as light shining into a window; (b) discomfort causing squinting of the eyes; (c) disabling vision by reducing the ability of the eyes to see into shadows; (d) reduction of visual performance.

INSTALLED- Initial installation of outdoor lighting fixtures, poles, electrical wiring and related mounting equipment following the effective date of this Ordinance. Projects with approved construction plans prior to the effective date of this Ordinance are excluded from compliance with the ordinance in the initial installation only.

LAMP OR BULB- The light producing source installed in the socket portion of a fixture.

LIGHT - The form of radiant energy acting on the retina of the eye to make sight possible; brightness; illumination; a lamp, as defined above.

LIGHTING - Any or all parts of a luminaire that function to produce light.

LIGHT TRESPASS - Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.

LUMINAIRE - The complete lighting unit, including the lamp, the fixture, and other parts.

RECESSED- When a light is built into a structure or portion of a structure such that the light is fully cut off and no part of the lamp or bulb extends or protrudes beyond the underside of a structure or portion of a structure.

REPLACEMENT- The installation of a new lighting fixture in place of an existing fixture, and/or the installation of a new lighting housing or head to an existing pole, bracket, wall, tree or other structure. Replacement does NOT mean the changing of light bulbs or lamps in a fixture for the same or lower wattage bulbs.

SAFETY / SECURITY- (a) Sufficient lighting at building entrances, exits, walkways and parking areas to allow customers and employees to see any physical barriers and to be seen at all times as they access to vehicles and sidewalks, and (b) The use of full cutoff light fixtures above doors, loading areas, building access points and safety areas.

SHIELDING- An externally applied device such as a shroud or hood of metal, wood, opaque plastic or opaque glass so that light emitted by the fixture is directed downward below the horizontal plane onto the site and does not shine direct illumination skyward or onto adjacent or nearby property. The bulb is not visible with a shielded light fixture and no light is emitted from the side of the fixture. Also considered a full cut-off fixture.

TEMPORARY LIGHTING- Means lighting that is intended to be used for a special event for seven (7) days or less.

UNSHIELDED- Light fixtures lacking any means to restrict the emitted light to below the horizontal plane or to shine or glare skyward or onto adjacent or nearby property.

UPLIGHTED- A shielded or unshielded light that directs light from the fixture in such a manner as to shine light rays above the horizontal plane.

FCC 10-34 Landscaping

Florence City Code Title 10, Chapter 34, is amended to add a new subsection 6 to the list:

A. PURPOSE: The purpose of this provision is to make exterior lighting used for residential, commercial and public areas appropriate to the need, and to minimize light from shining skyward or offsite onto adjacent public rights of way or private properties. Nothing in this ordinance should be interpreted to restrict the amount of lighting necessary for safe and efficient operations. Further, it is to encourage through regulation of type, kinds, construction and uses of exterior illumination devices, lighting practices and systems to conserve energy without decreasing safety, utility, security and productivity while enhancing nighttime (dark skies) enjoyment of property within the city of Florence.

B. SCOPE: All exterior lighting installed after (enter date) in any and all zoning districts shall be in conformance with the requirements established by this code and any other applicable code. All existing lighting installed prior to the effective date of this code in any and all zoning shall be addressed as follows:

1. All existing lighting located on a subject property that is part of an application for an Administrative Review, Design Review, Conditional Use, Variance, Subdivision, Planned Unit Development, or modification of any of the aforementioned or Building, Electrical, or Mechanical Permit is required to be brought into conformance with this code. Conformity shall occur prior to issuance of Certificate of Occupancy, Final Inspection, or Final Plat Recordation, when applicable. For other permits, the applicant shall have a maximum of thirty (30) days from date of permit issuance to bring the lighting into conformance.

2. In the event of a discrepancy in applicable codes, the most restrictive shall apply

C. SUBMITTAL CRITERIA:

1. All applications for Design Review, Conditional Use, Subdivision and/or Building Permits and those listed under subsection “a” above shall include lighting plans showing location, type, height, light field, and lumen output of all proposed and existing fixtures. The applicant shall provide enough information to verify that lighting conforms to the provisions of this title.

D. DESIGN CRITERIA:

1. All exterior lighting shall be full cut-off fixtures with the light source fully shielded, with the following exceptions:

- a. Luminaires that have a maximum output of 260 lumens per fixture, regardless of number of bulbs, (equal to one 20 watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up. (See Figure 5).

b. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs, (equal to one 60 watt incandescent light) may be partially shielded, provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up. (See Figure 3).

c. Flood lights with external shielding may be angled provided that no light escapes above a 25 degree angle measured from the vertical line from the center of the light extended to the ground, and only if the light does not cause glare or light to shine on adjacent property or public rights-of-way. (See Figure 6). Flood lights with directional shielding are encouraged. Photocells with timers that allow a floodlight to go on at dusk and off by 11:00 p.m. are encouraged.

d. Holiday lights are exempt from the requirements.

e. Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light shall not be triggered by activity off the property.

f. All temporary emergency lighting needed by the Fire and Police Departments, or other emergency services shall be exempt .

2. Light Trespass - It is the intent of this code to eliminate and prevent light trespass through the proper installation of lighting fixtures. All existing and/or new exterior lighting shall not cause light trespass and shall be such as to protect adjacent properties from glare and excessive lighting.

3. All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights shall replace existing lighting that is desired for security purposes.

4. Area Lights - All area lights, including street lights and parking area lighting, shall be full cut-off fixtures and are encouraged to be eighty-five (85) degree full cut-off type fixtures. Street lights shall be high pressure sodium, low pressure sodium, or metal halide, unless otherwise determined by the Council that another type is more efficient. Street lights along residential streets shall be limited to a 70 watt high pressure sodium (hps) light. Street lights along nonresidential streets or at intersections shall be limited to 100 watts hps, except that lights at major intersections on state highways shall be limited to 200 watts hps. If the Council permits a light type other than high pressure sodium, then the equivalent output shall be the limit for the other light type (See Addendum 1). For example: a 100 watt high pressure sodium lamp has a roughly equivalent output as a 55 watt low pressure sodium lamp, or a 100 watt metal halide lamp.

5. Parking area lights shall be install in accordance with Title 10 Chapter 3

6. All freestanding area lights within a residential zone, except street lights, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary.

7. Luminaire Mounting Height - Free standing luminaires shall be no higher than 20 feet above the stand/pole base, except that luminaires used for playing fields shall be exempt from the height restriction provided all other provisions of this Ordinance are met and the light is used only while the field is in use, and except that street lights used on major roads may exceed this standard if necessary as determined by the City Council, as advised by a lighting engineer. Building mounted luminaires shall be attached only to walls, and the top of the fixture shall not exceed the height of the parapet or roof, whichever is greater.

8. Uplighting is prohibited in all zoning districts, except in cases where the fixture is shielded by a roof overhang or similar structural shield from the sky and a lighting plan has been prepared that ensures that the light fixture(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this Ordinance.

9. Flag Poles - Upward flagpole lighting is permitted for governmental flags only, and provided that the maximum lumen output is 1300 lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.

10. Canopy Lights - All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.

11. Landscape Lighting - Lighting of vegetation is discouraged and shall be in conformance with this Code. Uplighting is prohibited.

12. Towers - All radio, communication, and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.

13. Temporary Lighting - Temporary lighting that conforms to the requirements of this code shall be allowed. Nonconforming temporary exterior lighting may be permitted only after considering 1) the public and/or private benefits which will result from the temporary lighting; 2) any annoyance or safety problems that may result from the use of the temporary lighting; and, 3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting.

14. Neon Lights - Neon lights are only permitted pursuant to the Sign Ordinance.

15. All externally lit commercial signs should shine from the top and point down toward the ground. Signs with uplighting must be shielded so that illumination or glare onto adjacent properties or skyward is minimized.

16. All exterior fixtures, using lights of more than 60 watts, (or the incandescent equivalent of 60 watts) such as but not limited to, building or structural entrance lights, walkway lights and driveway lights must be shielded, recessed, capped or under a canopy. All canopy lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.

17. Porch lights installed adjacent to entry doors shall use as low wattage as possible to accomplish the purpose of the light.

18. Commercial Business Lighting. Nothing in this ordinance should be interpreted to restrict lighting necessary to conduct business in a safe and efficient manner. Businesses are encouraged to turn off parking lot lights, building lights, signs, landscaping lights and other similar exterior lighting features, except for lights necessary for personal and building safety during the hours that the business is closed.

E. PROHIBITIONS:

1. Laser Light Source. The use of laser source light or any similar high intensity light for exterior advertising or entertainment is prohibited.

2. Searchlights. The use of searchlights for purposes other than public safety or emergencies is prohibited.

3. Blinking & Flashing Lights. All blinking and flashing lights except for traffic control fixtures, public safety, or emergencies are prohibited.

F. EXEMPTIONS:

1. Nonconformance.

a. Exterior light fixtures, except Mercury Vapor lights, lawfully installed prior to and operable on the effective date of the requirements codified in this Ordinance are exempt from such requirements except as follows:

b. Strings of decorative lights less than 15 watts (or the incandescent equivalent of 15 watts) per individual bulb are exempt from the requirements of this Ordinance.

c. Carnivals, fairs and temporary events that require the use of exterior lighting require a city permit. Permanent installations at dedicated sites must conform to the requirements of this Ordinance.

d. Temporary exemptions as granted by the City of Florence.

e. Construction lighting necessary for an allowed use is exempt except that permanent installations at dedicated sites must conform to the requirements of this Ordinance.

G. Enforcement, Abatement & Penalties.

Lighting disputes should be settled between the parties whenever possible. Education and voluntary compliance are encouraged. As a last resort, non conformance with this code will be deemed a nuisance and be abated in accordance with the City of Florence nuisance code found in Title 6 Chapter 1.

FCC 10-3-8-G-2 Off-Street Parking and Loading

Florence City Code Title 10, Chapter 3, Section 8-G-2 is amended to alter subsection F as follows:

Glare: Light fixtures shall be ~~directed downward. Direct glare and reflection shall be fully shielded to~~ installed in accordance with FCC 10-34 and prevent lighting spillover into any adjacent residential district or use.

FCC 10-3-10 Off-Street Parking and Loading

Florence City Code Title 10, Chapter 3, Section 10 is amended to alter subsection F as follows:

F. Lighting. For security, bicycle parking shall be at least as well lit as vehicle parking- and installed in conformance with FCC 10-34.

FCC 10-4-12 Conditional Uses

Florence City Code Title 10, Chapter 4, Section 12 is amended to alter subsection D6 as follows:

Hazards and Nuisances: Noise ~~and lighting~~ shall be controlled so as not to exceed the normal ground level of adjacent uses. Lighting shall be ~~reflected away from adjoining properties and shall not cause a traffic hazard by blinding, distracting or confusing traffic.~~ installed in accordance with FCC 10-34
Landscaping, Fencing and Lighting.

FCC 10-12-3-6 Mobile / Manufactured Home Residential Regulations

Florence City Code Title 10, Chapter 12, Section 3,6 is amended to add subsection S as follows:

Lighting: All lighting shall be installed in accordance with FCC 10-34

FCC 10-15-5 Commercial District

Florence City Code Title 10, Chapter 15, Section 5 is amended to insert the following conditionally permitted use to the

Lighting, Fences, Hedges, Walls and Landscaping: Refer to 10-34 of this Title for requirements.

FCC 10-16-5 Highway District

Florence City Code Title 10, Chapter 16, Section 5 is amended to alter subsection B, as follows:

The installation and maintenance of lighting, fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, except as modified by specific standards of this zoning district.

FCC 10 Chapters (as follows) are amended to reference the lighting criteria proposed in Chapter 34:

- 10 – Restricted Residential District
- 11 Single Family Residential District
- 13 Multi-Family Residential District
- 14 Neighborhood Commercial District
- 17 Old Town District
- 18 Marine District
- 19 Estuary and Shorelands
- 20 Limited Industrial District
- 21 Public Use Airport Zone
- 22 Open Space District
- 23 Planned Use Development
- 24 Waterfront-Marine District
- 25 Professional Office/Institutional Zoning District
- 27 Mainstreet District
- 28 Pacific View Business Park
- 29 Coast Village
- 30 North Commercial District
- 31 Service Industrial District
- 33 Telecommunications Facilities Overlay District
- 35 Access and Circulation
- 36 Public Facilities