

Date: 9-8-23
Name of preparer: Sean Amodt
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Reasons for change: Adapting and adding commercial lighting standards to the newly proposed General Lighting Standards.
Current: (These following are the sections of the ordinance that most closely align with the proposed changes. There is currently no specific Commercial lighting section or ordinance in VULU.) <u>8.40 OUTDOOR LIGHTING</u> 1. PURPOSE. The purpose of this ordinance is to: - provide for safety at night in our community - preserve night skies - provide guidance on lighting for buildings and outdoor events 1. REGULATIONS. All public and private outdoor lighting installed in the Town of Virgin shall be in conformance with the requirements established by this ordinance. All previous language in the Virgin Town Bylaws and Ordinances regarding outdoor lighting is replaced with this ordinance. Except in the instance where the existing sign ordinance may be more restrictive it will take precedence. 1. CONTROL OF GLARE - LUMINARIES DESIGN FACTORS - Any luminaries with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaries. - Any luminaries with a lamp or lamps rate at a total of more than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of more than 900 lumens, 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. The maximum height of the luminaries may not exceed twenty-five feet (25'). - Full Cutoff Luminaires: (see luminaires definition 2.12) required. Unless specifically exempted by the section, all outdoor lighting shall use full cutoff fixtures and shall be installed so light is directed downward with no light emitted above the horizontal plane, as defined by the bottom of the fixture. Lighting must not be placed at a location, angle, or height that directs illumination outside the property boundaries where the light fixtures are located. - Qualifications: To qualify as a "full cutoff" luminaire, a luminaire must conform to the performance specifications of classifications established by the Illuminating Engineering Society of North America (IESNA). - Characteristics: Full cutoff luminaires must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Luminaires with translucent or transparent sides, or sides with perforations or slits, do not qualify as full cutoff. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a luminaire under an eave, canopy, patio cover, or other similar covers does not qualify as full cutoff.

2. EXCEPTIONS TO CONTROL OF GLARE

1. Any luminaries with a lamp or lamps rated at a total of 1800 lumens or less, and all flood or spot luminaries with a lamp or lamps rated at 900 lumens or less, may be used without restriction to light distribution or mounting height, except that if any spot or flood luminaries rated 900 lumens or less is aimed, directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
2. Luminaries used for public roadway illumination may be installed at a maximum height of twenty-five feet (25') and may be positioned at that height up to the edge of any bordering property.
3. All temporary emergency lighting need by the Police or Fire Departments or other emergency services, as well as all vehicular luminaries, shall be exempt from the requirements of this section.
4. All hazard-warning luminaries required by Federal regulatory agencies are exempt from the requirements of this section.
5. Luminaries used primarily for sign illumination may be mounted at any height to a maximum of twenty-five feet (25'), regardless of lumen rating,
6. Law Governing Conflicts. Where any provision of Federal, State, County or Town statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

2. OUTDOOR ADVERTISING SIGNS

1. Top Mounted Fixtures Required. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of Section 4.20.2.1. of this Chapter. Bottom-mounted outdoor advertising sign lighting shall not be used.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than forty-one (41) watts.
3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this code within ten (10) years from the date of adoption of this provision.
4. Prohibitions. Electrical illumination of outdoor advertising off-site signs between the hours of 11:00 p.m. and sunrise is prohibited.

Proposed: (Numbering will follow the format found in the previously proposed General Lighting Standards.)

1. **COMMERCIAL LIGHTING STANDARDS.** The General Outdoor Lighting Guidelines are highly encouraged for commercial lighting with the following further regulations to ensure a safe business environment:
 - a. **Positioning.** Lighting must not be placed at a location, angle, or height that directs illumination outside the property boundaries where the light fixtures are located unless specific safety issues can be identified and agreed upon with neighboring properties.
 - i. **Height-** The height should be determined by the minimum height necessary for safety and to minimize glare.
 - ii. **Maximum height:** The maximum height of luminaries may not exceed the highest point of any primary building or structure on the property.
 - b. **Shielding.** Unless specifically exempted by this section, all commercial outdoor lighting must be shielded from above to minimize glare.
 - i. Side shielding is recommended but not required if sufficient filtering is used to minimize the glare.
 - ii. A luminaire placed under an eave, canopy, patio cover, or other similar cover qualifies as shielded but still may need to be filtered to minimize glare.
 - c. **Light Color Temperature.** Color temperatures below 3000K are required in commercial zones.
 - d. **Filtering.** Filtering may be required for luminaries to minimize glare.
 - e. **Glare.** Directional lighting must be contained within the property.
 - f. **Time of operation.** Outdoor lighting that is not necessary for safety purposes must be turned off at the end of daily business operation or by 11 p.m., whichever comes first. Automatic reduction timing is strongly recommended.
 - g. **Exemptions.**
 - i. The lighting of Federal or State flags
 - ii. Town Staff approved security lighting.
 - h. **Prohibitions.**
 - i. Searchlights. The operation of searchlights for advertising purposes is prohibited.
 - ii. Laser Source light. Commercial use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above a horizontal plane is prohibited, unless it is part of an authorized, permitted event.
 - iii. The illumination of outdoor advertising off-site signs, between the hours of 11:00 p.m. and sunrise, is prohibited.
 - i. **Commercial Lighting Plan.** A Commercial lighting plan must be kept on file, with the Town, which indicates what each type of lighting is used for, to distinguish security from advertising purposes. (Ex. sign, advertising, security, holiday, event.)

j. **Additional Commercial Lighting Standards.**

- i. **Parking lot lighting.** (Need to find all of the sections in VULU that refer to this subject and put it in here.) Low lit, downlighting, and low color temperatures, all sufficient for safety measures, are encouraged for commercial parking lots. Automatic reduction timing is strongly recommended for larger parking lots.
- ii. **Service Station Canopy lighting.** (Pull this from other sections in VULU)
- iii. **Security lighting.** Nonconforming security lighting may be used after following the same permitting procedure for Event Lighting approval found in sections (???)
- iv. **Special event lighting.** (See event Temporary Outdoor Lighting section above.)

k. **Signs and advertisement lighting.** The General Outdoor Lighting Guidelines are highly encouraged for sign lighting with the following further regulations:

- i. **Positioning.** Lighting must not be placed at a location, angle, or height that directs illumination away from lighting the sign it is intended for.
- ii. **Shielding.** Luminaries for signs will require shielding from above and the sides to direct light to the sign that it is intended for to minimize glare.
 1. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.
 2. Dark backgrounds with light lettering or symbols are required.
- iii. **Light Color Temperature.** Internally lit signs and luminaries mounted from the ground may not use a color temperature above 3000K without following the lighting approval process found in the Event Lighting section (???)
- iv. **Filtering.** Filtering will be required for luminaires that cannot control glare by means of shielding alone.
- v. **Glare.** Sign lighting is directional and must be directed to the sign as much as possible to minimize glare.
- vi. **Time of operation.** Lighting for signs not intended for security or business purposes after business hours, must be turned off or reduced to levels conforming to the General Outdoor Lighting Guidelines.
- vii. **Advertisement Lighting.** Lighting for advertising purposes, and which is not lighting specific for signs, is required to follow the General Outdoor Lighting Guidelines, and must be turned off at the end of business hours or 11 p.m., whichever comes first.
- viii. **Exemptions.** ???

Prohibitions. (Same as Commercial Lighting- General Standards)

VIRGIN TOWN

ORDINANCE #

AN ORDINANCE AMENDING CHAPTER _____ OF THE VIRGIN UNIFORM LAND
USE ORDINANCES (“VULU”).

RECITALS

WHEREAS, - Utah Code provides for the adoption and amendment of Town land use ordinances by the Land Use Authority, which in Virgin is the “Town Council with recommendation by the Planning and Zoning Commission” ; and

WHEREAS, the Virgin Land Use Authority finds that the existing Virgin Town Code (VULU) Chapter 40, and the various sub sections found within, require updating to meet the changing needs of the town; and

WHEREAS, the Virgin Land Use Authority finds that, to accommodate the towns desire to provide clarity and continuity within VULU; and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on _____, 2023, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on _____, 2023;

NOW, THEREFORE BE IT ORDAINED by the Land Use Authority of Virgin, Utah that, in order to provide for the health, safety and general welfare of the citizens of Virgin, Utah, the VULU Ordinance is hereby amended to incorporate the following changes:

ORDINANCE

NOW THEREFORE be it ordained by Virgin Town, Washington County, State of Utah, acting by and through the Town Council:

1. Severability. If any section, clause, or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

2. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.

3. Effective Date. This Ordinance shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor.

ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL ORDINANCE NUMBER _____ will become effective on this _____ day of _____ month, 2023, based upon the following vote:

Council Member:

Gene Garate AYE___ NAE___

LeRoy Thompson AYE___ NAE___

Mistie Baird AYE___ NAE___

Paul Luwe AYE___ NAE___

Jean Krause, Mayor AYE___ NAE___

VIRGIN TOWN

a Utah municipal corporation

Jean Krause, Mayor

ATTEST:

Krystal Percival, Town Clerk

REQUEST FOR VIRGIN TOWN COUNCIL ACTION

To: Mayor and City Council
From: Planning and Zoning
Date:
Subject:
Citizen comments summary:
Recommendation:
Background and Findings:
Fiscal Impact:
Supporting Documents:
This request prepared by:
This request prepared on: