

4-20 **Outdoor Lighting.**

- (1) **Purpose.** The purposes of this section are: to encourage outdoor lighting practices that minimize light pollution, glare, light trespass and sky glow in order to preserve the natural dark of the night sky; to prevent lighting nuisances on properties; to maintain nighttime safety, utility, and security; to prevent unnecessary or inappropriate outdoor lighting; to maintain the rural atmosphere character of the town; and to encourage low level outdoor lighting through the use of low wattage bulbs, full cutoff light luminaires, and limits on the location and uses of outdoor lighting.
 - a. Warm White and Natural Lamps (3500K) are preferred to minimize detrimental effects.
- (2) **Definitions.** Terms used in this section shall be as defined in VULU Chapter 1.6 and subsection 4-20(15).
- (3) **Regulations.** All public and private outdoor lighting installed in the Town of Virgin after the effective date of the section shall conform to the requirements established by this Section. All existing outdoor lighting that does not meet the requirements of this section and is not exempted by the section shall be considered a nonconforming use and as such shall be scheduled for amortization as outlined in section 4-20-_____. Should this section be found to be in conflict with other sections of this code, the more restrictive shall apply.
- (4) **Control of Glare—Luminaire Design Factors.**
 - a. Full Cutoff Luminaires (*see Luminaires definition 1.6*) 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. Lighting must not be placed at a location, angle, or height that directs illumination outside the property boundaries where the light fixtures are located.
 - i. 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).
 - ii. 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 cover does not qualify as full cutoff.
 - b. Exemptions to Full Cutoff Luminaire Requirements:

- i. Fixtures having a total light output less than one thousand (1,000) lumens (allowing a maximum of a 60 watt incandescent or a 15 watt compact fluorescent bulb) are exempted from the full cutoff requirement provided:
 - (a) The fixture has a top that is completely opaque such that no light is directed upwards; and
 - (b) The fixture has sides that completely cover the light source and are made of opaque or semi-opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semi-opaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernable behind the material. Completely transparent materials, such as clear glass, are not allowed; and
 - (c) The light source must not be visible from any point outside the property on which the fixture is located.
- ii. Spotlights controlled by motion sensors having a light output less than one thousand (1,000) lumens per lamp (allowing a maximum of a 60 watt incandescent or a 15 watt compact fluorescent bulb) are exempted from the full cutoff requirement provided:
 - (a) The fixture is a spotlight or other type of directed light that shall be directed at a forty five degree (45) angle or less, where the zero angle is pointing straight down; and
 - (b) The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located; and
 - (c) The fixture must be hooded or shielded to the extent necessary to prevent glare on adjacent properties or roadways.
- iii. Pathway lights less than eighteen inches (18") in height are exempted from the full cutoff fixture requirement if the total light output from each pathway light is less than three hundred (300) lumens.
- iv. Architectural lights, water feature illumination, and sign illumination are all exempted from the full cutoff fixture requirement, provided such illumination meets all other applicable standards of this chapter.

(1) General Conditions and Standards.

- a. Minimum Necessary. Outdoor lighting should be the minimum necessary to provide for safety and functionality. The lowest wattage light source necessary for a lighting application should be used. Excessive outdoor lighting and landscape lighting are prohibited. Such lighting can be a significant source of sky glow.
- b. Allowable Applications: Outdoor lighting shall only be allowed in the following applications:

- i. To illuminate entrances to buildings (including garage entrances).
- ii. To illuminate pathways and walkways.
- iii. To illuminate parking areas and parking area access lanes;
- iv. To illuminate outdoor gathering areas such as patios, pool and hot tub areas, outdoor dining areas, and recreation areas.
- v. For security purposes provided the lighting is activated by motion sensors and does not stay on all night, and is placed and directed such that no direct illumination falls outside the property boundaries where the security lighting is placed.
- vi. To illuminate signage.
- vii. For architectural lighting, provided all of the following conditions are met:
 - (a) The property where the architectural lighting is placed is in a commercial zone.
 - (b) The architectural lighting is compatible with the purposes of this section as determined by the planning commission.
 - (c) All architectural lighting is mounted on and directed onto the front of a commercial building facing the street.
 - (d) The architectural lighting is sufficiently shielded such that the light source is not visible beyond the property boundaries.
 - (e) The architectural lighting is directed such that all light falls on the front of the building, and not on the adjacent ground or into the night sky.
 - (f) The architectural lighting uses low wattage light sources.
 - (g) The architectural lighting is not used to illuminate landscape, statues, or other similar features.
- viii. To illuminate outdoor water features, provided all of the following conditions are met:
 - (a) The lighting is angled at or below the horizontal plane.
 - (b) The lighting is placed underneath or behind the water such that the water diffuses the light from all points where the light is visible.
 - (c) Each light source has a total light output of one thousand (1,000) lumens or less.

(2) Light Curfews:

- i. Commercial establishments shall turn off all outdoor lighting, except that listed below, by twelve o'clock (12:00) midnight:
 - (a) Lighting to illuminate the entrance to the commercial establishment.
 - (b) Parking lot and pathway lighting required for the safety of guests.
 - (c) Sign illumination.
- ii. Recreational lighting (residential and commercial) shall be turned off by eleven o'clock (11:00) P.M. except to conclude a specific sporting event that is underway.

(3) Specialized Outdoor Lighting; Conditions and Standards:

- a. Gas Station Canopies: Gas station canopies may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are full cut-

off. Except for directed beam lighting, merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture. Directed beam lighting mounted under the canopy is allowed, provided the light source cannot be seen from outside the property boundaries.

- b. Roadway/Streetlights: Streetlights are prohibited unless recommended by the town engineer or required by UDOT to ensure the safety of the public. All streetlights shall utilize lamp types that are energy efficient and minimize sky glow and other unintended impacts of artificial lighting. For lights along SR-9, the lowest illumination design that meets the minimum illumination requirements set by UDOT shall be used. Lights along SR-9 shall use decorative light fixtures consistent with those specified by the Town of Virgin Streets and Roads Master Plan and/or a Virgin Town Streetscape Plan. No streetlight shall exceed _____ feet in height.
- c. Parking Lots:
 - i. Spot or flood lighting of parking lots from a building or other structure is prohibited.
 - ii. The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed fourteen feet (14'). All post mounted parking lot lights shall be set back from property lines a distance equal to two and one-half (2 ½) times the height of the pole.
 - iii. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed six feet (6').
 - iv. All parking lot lighting shall use full cutoff luminaires.
- d. Recreational Lighting:
 - i. The planning commission shall review all requests for new recreational lighting fixtures for fields, courts, arenas, and similar facilities whether public or private. The planning commission shall approve such requests only after finding:
 - (a) The recreational lighting has provisions for minimizing glare, spill light, and uplight by the use of louvers, hoods, or shielding.
 - (b) The recreational lighting does not exceed illumination levels for class IV sports lighting set by the Illuminating Engineering Society of North America.
 - (c) The recreational lighting will only illuminate the field, court, or arena area with no direct illumination falling outside of those areas.
 - (d) The light source for the recreational light will not be visible from adjacent properties.
 - ii. Pole mounted recreational lighting shall be limited to eighteen feet (18') in height. Pole mounted recreational lighting must be set back a minimum of sixty feet (60') from adjacent properties.
 - iii. The lighting for non-field, non-court, and non-arena areas shall conform to all provision of this section.
- e. Amphitheater Lighting: Outdoor amphitheaters may use illumination to light the performance area of the amphitheater and for the safety of the public. The following standards apply to all amphitheater lighting:

- i. Lighting used to illuminate the performance area must be either directed spot-lighting or full cutoff lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
 - ii. Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.
 - iii. Lighting used to illuminate the seating areas, pathways, and other areas of the amphitheater must meet all standards of this section.
- f. Signs: Signs may be unlighted, lighted eternally, lighted internally, or backlit. All sign lighting must be designed, directed, and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting.
 - i. Standards For Externally Illuminated signs:
 - (a) Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
 - (b) Lighting for externally illuminated signs must be mounted at the top of the sign (or within 2 feet of the top of a building mounted sign), except tfor freestanding monument style signs which may be illuminated by ground mounted lighting.
 - ii. Standards For Internally Illuminated Signs:
 - (a) Only sign copy areas and logos may be illuminated on an internally illu-minated sign.
 - (b) Internally illuminated signs shall use semi-opaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign copy. Noncopy portions of the sign (e.g., background and graphics) shall be made of completely opaque material.
 - iii. Standards For Backlit Signs:
 - (a) Backlit signs shall be designated such that the light source is not visible.
 - (b) Backlit signs shall be designed such that harsh, direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow in-direct illumination to emanate from the sign. For example signs that cre-ate a “halo” effect around sign copy are allowed.
 - (c) Backlit signs shall use low wattage light sources.

(4) **Hillsides, Ridgelines, and Special Cases.** In certain cases (such as, but not limited to, properties on or near ridgelines or hillsides), additional shielding may be required to mitigate glare or light trespass. The need for additional shielding will be considered as part of the review process de-scribed in subsection ____ of this section.

(5) **Towers**

- a. All monopole, antenna, tower or support facility lighting not required by the federal aviation administration (FAA) or the federal communication commission (FCC) is prohib-ited.

- b. When lighting is required by the FAA or the FCC, such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.
- c. All other lighting used on the property not regulated by the FAA or FCC shall conform to this section.

(6) Exemptions. The following shall be exempt from the requirements of this chapter:

- a. Holiday lighting from November 15 to January 15 as long as it does not create a hazard or nuisance from glare.
- b. Traffic control signals and devices.
- c. Temporary emergency lighting in use by law enforcement or government agencies or at their direction.
- d. The lighting of one federal and/or state flag per property, provided that the light is a narrow beam aimed and shielded to illuminate only the flag. Flag lighting should use appropriate illumination levels to light flag, while at the same time fulfilling the purposes of this chapter.
- e. Low voltage LED lights and solar lights used to illuminate pathways in residential areas, provided the lights are installed no more than eighteen inches (18") above the adjacent ground level and emit no more than ____ lumens.
- f. The planning commission, as part of its review as outlined in the section, may approve lighting that does not conform to these standards if need is established. An applicant requesting such lighting is required to provide proof of requirements of property insurance or findings of competent research demonstrating the need for the requested lighting. The planning commission may attach other conditions to the approval of such lighting that will make the lighting comply with the spirit of this section.

(7) Prohibited Lighting. The following are prohibited:

- a. Uplighting to illuminate building and other structures, or vegetation, except as allowed by subsection ____ of this section.
- b. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including holiday lighting between November 15 and January 15.
- c. Searchlights, laser source lights, mercury vapor lights, or any similar high intensity light.
- d. Except when used in "open/close", "vacancy/no vacancy", and "now serving" signs, neon or luminous tube lighting, either when outdoor mounted or indoor mounted if visible beyond the property boundaries.
- e. Outdoor advertising off-site signs shall not be illuminated between the hours of 11:00 P.M. and sunrise.

(8) Application and Review procedures:

- a. Lighting Plans Required: All sign permit applications, Conditional Use Permit applications, subdivision applications, building permit applications, and _____ applications shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources shall comply with this code and shall include the following:
 - i. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.

- ii. Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, bulb wattage, and shielding mechanisms for the planning commission to be able to determine compliance with the provisions of this section.
 - iii. A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens, and lamp type.
 - iv. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Virgin Town Council for approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.
- b. Approval Procedure.
- i. The lighting plan for all new development shall be submitted for approval concurrent with the associated application process.
 - ii. A certificate of occupancy shall not be issued until such time as the property is subject to a post installation nighttime inspection by the Zoning Administrator and at least one member of the planning commission.

(9) Amortization of Nonconforming Outdoor Lighting.

- a. The town shall require the termination of use of any and all nonconforming outdoor lighting fixtures, structures, lamps, bulbs or other devices that emit or generate light which are not otherwise exempted by this section, pursuant to the amortization schedule contained in this subsection.
- b. Schedule of Amortization. All outdoor lighting legally existing and installed prior to the effective date of this chapter and which is not exempted shall be considered nonconforming and shall be brought into compliance by the property owner as follows:
 - i. Immediate abatement as a condition for approval upon application for a building permit, sign permit, conditional use permit, new (nonrenewal) business license, or similar town permit or review when said site improvements, construction, reconstruction, expansion, alteration or modification of existing sites, structures, or uses individually or cumulatively equal or exceed one thousand five hundred (1,500) square feet. Projects less than one thousand five hundred (1,500) square feet will not be subject to immediate abatement. However, they will count towards a cumulative total of projects on the same property. When the cumulative total equals or exceeds one thousand five hundred (1,500) square feet abatement shall be immediate.
 - ii. All damaged or inoperative nonconforming lighting shall be replaced or repaired only with lighting equipment and fixtures compliant with this chapter.
 - iii. All outdoor lighting not previously scheduled for amortization or otherwise exempted shall be brought into conformance with this section within seven (7) years from the effective date of this chapter.
- c. Audits. The town shall perform two (2) audits of all outdoor lighting in the town, on four (4) years and the other six (6) years after the effective date hereof. These audits

will identify all lighting that does not conform to the standards of this section. The results of these audits will be made available to the public.

- (10) **Violations.**
- a. The following constitute violations of this section:
 - i. The installation, maintenance, or operation of any lighting fixture not in compliance with the provisions of this section.
 - ii. The alteration of outdoor lighting fixtures after a certificate of occupancy has been issued without the review and approval of the planning commission when such alteration does not conform to the provisions of this section.
 - iii. Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in violation of this section.
 - b. Violations of this section are subject to enforcement as outlined in Chapter 4 of this title.
- (11) **Definitions.** For the purpose of this section, certain words, phrases and terms used herein shall have the meaning assigned to them by VULU Chapter 1.6, and by this subsection.
- (12) **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.
- (13) **Temporary Out door lighting.** Any temporary outdoor lighting that conforms to the requirements of this ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the applicant appearing before the Planning and Zoning Commission to consider: (i) the public and/or private benefits that will result from the use of the temporary lighting; and (ii) any annoyance or safety problems that may result from the use of the temporary lighting; and (iii) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Planning and Zoning Commission, who shall consider the request at a duly called meeting of the Planning and Zoning Commission. Prior notice of the meeting shall be given to the applicant and advertised in the usual manner as directed by the Virgin Town Bylaws. During the meeting, the members of the Planning and Zoning Commission will consider the application for recommendation to the Virgin Town Council for approval or denial. The Virgin Town Council shall render a decision within two weeks after their regularly scheduled and advertised meeting, at which the applicant is in attendance. Failure of the Town Council to act within this time will constitute denial of the request.
- (14) **Effective Date and Grandfathering of Non Conforming Luminaries.** This ordinance shall take effect immediately upon approval by the Virgin Town Council after a properly advertised public hearing. All luminaries lawfully in place prior to the date of the ordinance shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this ordinance. Advertising signs are grandfathered for a period of five years.
- a. Grandfathered luminaries that direct light toward streets or parking lots that cause disability glare to motorists or cyclists should be either shielded or re-directed within ninety (90) days of notification, so that the luminaries do not cause a potential hazard to motorists or cyclists.