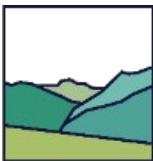


**Request: Review and Comment**



**EMIGRATION CANYON  
METRO TOWNSHIP**

**Planning and Development Services**  
2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050  
Phone: (385) 468-6700 • Fax: (385) 468-6674  
[matstarley@msd.utah.gov](mailto:matstarley@msd.utah.gov)



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## DARK SKY ORDINANCE | PROGRESS REPORT

**Part of the UPDATE OF MUNICIPAL CODE:**

### **19.73.110 NIGHT LIGHTING**

**Public Body:** Emigration Canyon Planning Commission

**MSD Planner:** Matthew Starley, Long Range Planner

**MSD Planning Staff Recommendation:** Review and Comment

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### **PROJECT DESCRIPTION**

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Emigration Canyon Metro Township has identified in the Community Values section of the General Plan that environmental sustainability & protection of the natural environment important to community members, and the identify Metro Township. The expressed aim of the General Plan is to “*maintain or enhance environmental sustainability and stewardship now and for future generations; this includes but is not limited to features such as water quality, open space, noise management, dark skies, air quality, biodiversity, and climate resilience.*” pg. 30-31

Utah Department of Workforce Services (UDWS) has distributed a “Guidance & Best Practices: Dark Sky Planning” manual intended to introduce Elected Officials and their communities to dark sky planning and concepts. In this document, DWS established the importance of night sky planning by describing some of the issues associated with light pollution.

*Light pollution is a threat because of the negative effects on humans and the environment as well as long-term consequences, such as biodiversity, economic, and cultural loss, that cannot easily be reversed. However, in contrast to other types of pollution, the negative effects of light pollution can be mitigated easily and cost-effectively.*

*UDWS, Guidance & Best Practices: Dark Sky Planning, pg. 6*

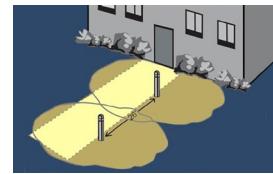
To mitigate these potential negative effects, Emigration Canyon planning staff have engaged to develop and more robust Night Sky Ordinance that is intended to update the existing municipal code 19.73.110 Night Lighting. Regular progress reports have been made to the Planning Commission and feedback has been integrated. The draft shared in coordination with this report, Emigration Canyon MT Dark Sky Ordinance Draft Round 3, will constitute the third draft to be shared with the commission.

For this **Third Draft**, MSD staff have integrated the thoughtful comments made by PC members. Quick highlights to look for in this draft:

- 1) The definitions section has been bolstered.
  - a) Issues of contradictory or undefined terminology have been corrected wherever identified.
  - b) Two main resources were utilized to tailor existing and suggested definitions.
    - i) <https://www.darksky.org/our-work/grassroots-advocacy/resources/glossary/>
    - ii) <https://www.ies.org/definitions/lamp/>

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- 2) We have adopted a “footcandle per square foot of hardscape” approach to measuring and regulating lighting.
- Example to the right: 1-footcandle average with 0.1-footcandle minimum 6-ft. wide path of egress.
  - This presents the opportunity to regulate Light Trespass as a measure of footcandle at the property line. The example below shows recommendations from California



### OUTDOOR LIGHTING

#### Quantity of Illumination

##### IES Illumination zones for Light Trespass

IES zones are based on the four environmental zones established by CIE.

Maximum allowed trespass footcandles measured eye level perpendicular to line of site.

Lighting Zone	Description	Pre-Curfew Limit (Max fc)	Post-Curfew Limit (Max fc) <sup>*1</sup>
Zone E1	Intrinsic dark landscapes	0.1 fc	0.0 fc
Zone E2	Low ambient brightness areas	0.3 fc	0.1 fc
Zone E3	Medium ambient brightness	0.8 fc	0.2 fc
Zone E4	High ambient brightness areas	1.5 fc	0.6 fc

\*1: Exception for safety/security 0.1 fc allowed

#### Recommended Practice for Outdoor Lighting

- i) Emigration Canyon would match the Zone 2 description in the majority of instances...
- 3) Document sections have been restructured according to comments made, as well as to reduce redundancy.
- 4) Please see the “**Document Comment and Response History**” for a full review of staff comments and document adjustment.

## GENERAL PLAN CONSIDERATIONS

Language about protecting and promoting the health and long-term sustainability of the natural environment in the canyon is a consistent theme throughout the General Plan document. There are also many instances in which the connection between the quality of the night sky environment and ecological and community health are identified. Updates to the dark sky ordinance existing are supported by the General Plan Work Program. The following is an exert from the General Plan Work Program, which outlines the creation and enactment of a Dark Sky Ordinance as an *Immediate and Ongoing* action item.

#### Chapter 5: Environment Work Program (*Emigration Canyon General Plan 2022 pg. 144-145*)

- **Goal 5.3:** Preserve and enhance natural areas and ensure that landscapes are functional and diverse.
  - **Objective 5.3.3:** Preserve and enhance views of the night sky and protections for nocturnal wildlife.
    - **Actions**
      - a. Support the adoption of a Dark Sky compliant light-pollution control ordinance.
    - **Lead(s)**
      - PDS, PC, EC Metro
    - **Timeline**
      - Immediate and ongoing
    - **Cost**
      - Staff time
    - **Metric**
      - Ordinance enacted

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- **Resources**
  - See also objective 2.3.2a

## LAND USE CONSIDERATIONS

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Suggested updates to the zoning ordinance would apply to all land use zones within the Metro Township. However, the ordinance is being presented at this time for discussion purposes only. Staff have not initiated the process for adopting the drafted language. The intent is to control the use of night lighting between the hours of 10:00 pm until 6:00 am the following morning. It is the opinion of planning staff that controlling night time lighting use through the update of the existing Night Sky Ordinance will support the current land use expressed within the canyon by reenforcing the naturalistic and rural character of the community.

Unique standards exist for properties containing:

- Residential | Single-Family Detached Housing Units
- Residential | Multi-Family Housing Units
- Commercial Uses

## ISSUES OF CONCERN/PROPOSED MITIGATION

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Planning Staff is hoping the Council and Planning Commission will consider the merits of proposed updates to the Night Sky Ordinance. Issues of particular interest that the Commission might consider for topics of discussion are:

- 1) Whether (and if so, to what extent) the Planning Commission should be the entity/person to consider and make decisions involving compliance with the requirements of the ordinance?
- 2) To what extent is the council comfortable regulating light trespass, which happens to emanate from an interior light source?
  - a) Here is an attempt that Planning Staff have made that planning staff think might meet the needs of our community
    - i) *"All outdoor lighting installed and/or replaced after the effective date hereof in all zones in the Metro Township shall conform to the requirements established by this chapter. This chapter does not directly apply to indoor lighting. However, any light trespass at the property line must meet the standards established within this ordinance."*
  - b) This would require Emigration Canyon to establish clear light levels allowed at the property line, like the example provided in the Project Description section.
- 3) Should Change of Ownership trigger the need to conform to the requirements of this chapter?
- 4) What do we think about the use of figures in and example images in an ordinance?
  - a) There are a few general questions within the response history about this
    - i) Planning staff imagine that legal council might have some cogent opinions on the issue.
- 5) Recreational lighting...
  - a) To what extent does Emigration Canyon want to articulate regulations for building types and land uses that may never, but could possibly, exist within the context of the canyon?
- 6) What can the municipality do about lighting that trespasses from interior as well as exterior sources as a consequences of the steep slopes and unique geography of the canyon?
  - a) There are two major ways that Planning Staff think we are addressing this issue in this version of the draft:
    - i) Regulating the levels of light that are allowed to trespass at the property line....
      - (1) Light is light... does the ordinance need to articulate where the light can come from? Or is it fine to say, no more than this amount of light should be crossing a certain point?
    - ii) Regulating the placement of luminaires mounted on structures:
      - (1) *In the case of Residential Properties, no lighting fixture shall be mounted on a structure at an*

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*elevation of more than 14 ft. above the base floor elevation identified for primary entrance to the corresponding side of the structure. Each structure having identified a front, two sides, and a rear.*

*(a) For structures having sides with no entrance present. The height limitation established by the lowest base floor entrance elevation shall control. "*

**7) Application, Review, and Violations Sections generally**

- a) Please refer to the responses history following this section to see specific details on issues regarding these sections.

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## **NEIGHBORHOOD RESPONSE**

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At this point, staff has not received any feedback from the public regarding the Night Sky Ordinance update.

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## **REVIEWING AGENCIES RESPONSE**

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A review by Emigration Canyon's attorney and the MSD's land use attorneys will be completed prior to the adoption of the comprehensive code updates.

Heidi Hoven of the Audubon Society as well as Lisa Stoner of Utah State University Extension services met with planning staff to review goals and give general direction as the project was initiated. Once a first draft of the ordinance had been produced, Heidi Hove shared it with Nancy Clanton (Founder, Clanton and Associates) and Rick Utting (Clanton and Associates). Staff has received and integrated comments made from these dark sky exports. Planning Staff complete list of there comments were provided in the Project Discretion Section of this report.

Other agencies will review the code as needed based on the content.

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## **PLANNING STAFF ANALYSIS**

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Previous draft plans have relied heavily on the similar ordinances drafted and adopted in: Moab, Torrey, Eagle Mountain and Helper City, Utah, as well as several guidelines produced by the International Dark Sky Org. Staff also received guidance and advice from Dark Sky experts with the planning community here Northern Utah. The current version the Ordinance has been adjusted to reflect an approach to total allowable light use calculations more like that utilized Fort Collins and Boulder, Colorado municipal code. These cities recommended by the expert commentors referred to previously. These changes reflect, in the opinion of staff, an improvement to the previous "net acre" calculation method employed in the first draft.

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## **PLANNING STAFF RECOMMENDATION**

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The MSD Planning Staff recommends that the Emigration Canyon Metro Township Planning Commission review and provide feedback on proposed Amendments to the Night Sky Ordinance

## **DOCUMENT COMMENT AND RESPONSE HISTORY**

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### **- Document Color Legend -**

Comments from Jim Karkut

Comments from Jodi Geroux

- Response from MSD Staff

Topics for discussion at upcoming PC meetings and working groups

Comments that have been made irrelevant by modifications from previous versions of the Ordinance Draft

### **- General Comments -**

1. Certain provisions in the draft are followed by a parenthesis such as “(Ord., 3-10-2016).” Planning Staff am not sure what that is intended to mean, or whether that is necessary. Planning Staff recommend not using such parenthetical references.
  - References to Ord. have been removed.
2. Define every term used in the ordinance that has a special meeting or is a word that is not one people generally use in conversation. In other words, ensure that there is no confusion about what meaning each word is intended to have.

For example, “Backlight” is defined as “All the light emanating from a luminaire.” However, “luminaire,” which is not a generally understood word (at least by me), is not defined. Thus, it would be helpful to define “luminaire” as a “light fixture,” a “lighting unit, or something like that.

The term “reflector” appears in the definition of “Direct Illumination.” It would be helpful to also define “reflector.”

It also seems that it would be helpful to define “Temporary Exterior Lighting.”

Other terms that should be defined are “nonconforming use,” “spotlight,” “pathway light,” and “architectural light.”

I recommend we consider the definitions found on darksky.org’s website: <https://www.darksky.org/our-work/grassroots-advocacy/resources/glossary/> and also on the Illuminating Engineering Society’s nomenclature and definitions: <https://www.ies.org/standards/definitions/>

- There has been a lot of updating done to the Definitions section in this draft. Thank you much for the good reference suggestions. Planning Staff used may of the Darksky.org resources as well as some the Illuminating ES site.
3. Be consistent with the words that are used. Also, do not use different words to mean the same thing, as that can be very confusing.

The definition of “B.U.G. Rating” refers to “the fixture” and “the luminaire” in a way that appears to treat the two words as meaning the same thing. If that is the case, only one of these words should be used.

- Both terms referenced have been defined in accordance with darksky.org.
  - Subtitle difference in both..
    - Planning Staff have tried to use luminaire in instances in which the entire lighting apparatus is concerned.
    - Fixture is used to describe one aspect of a luminaire.
    - Light Fixture has been removed

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- except when used in example images...
- Double checked to make sure our BUG definition is best available.

Sometimes the ordinance refers to the “fixture” and other times to the “light fixture.” Planning Staff recommend using “light fixture” throughout.

- Planning Staff have tried to use luminaire in instances in which the entire lighting apparatus is concerned.
  - Fixture is used to describe one aspect of a luminaire.
- Light Fixture has been removed
  - except when used in example images...
    - That will need to be addressed

The definition of “Direct Illumination” refers to a “luminary.” Is a “luminary” the same thing as a “luminaire”? If so, the definition of “luminaire” should indicate that. Or, if the terms do not mean the same thing, that should be made clear.

- Luminary has been changed to Luminaire in all instances

Capitalize “chapter” throughout the ordinance.

- Adopted through

The undefined phrase “full cutoff requirement” appears under the “Exemptions to Fully Shielded Fixture Requirements” and “Spotlights” heading.

- This definition has been included.
  - **Full-cutoff fixture:** An IES definition; “Zero intensity at or above horizontal (90° above nadir) and limited to a value not exceeding 10% of lamp lumens at or above 80°”.

The undefined term “full cutoff fixture requirement” appears under the “Pathway Lights,” “Architectural Lights, . . .” and “Spotlights” headings.

It seems like it would be good to decide on what phrase to consistently use and also to define the term in the definitions section.

- The term Architectural lights has been replaced by the term “Accent Lighting”
  - Accent Lighting: Lighting of building surfaces, landscape features, statues, and similar items for the purpose of decoration or ornamentation; or lighting that does not contribute to the safety or security of residents, guests, employees, or customers on a property.
- “**Spotlights**” & “**Pathway Lights**” have been defined
  - **Pathway Lights:** A luminaire, or collection of luminaires, less than eighteen inches (18") in height, lining one or both sides of a pathway which offer illumination to guide along an outdoor path or walkway.
  - **Spotlight:** A fixture or lamp designed to light a small area very brightly. See definition of Floodlight.

4. Graphics, charts, figures, and illustrative diagrams can be very helpful. However, it is not necessary to show the same demonstrative item more than once in the ordinance. And, ensure that it is easily understandable.

- Fair question... There will have to be a lot of formatting once we think that we have the wording worked out. I think we will be better served addressing graphics issues once we have reached a formatting stage...

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5. The draft includes language regulating indoor lighting. I would like our legal counsel to advise us on whether the ordinance can regulate indoor lighting.
  - Language regarding the regulation of interior lighting has been mostly removed apart from a recommendation in the Compliance section.
    - However, light trespass from interior lighting that negatively impacts adjacent properties is prohibited.
6. Given the topography of Emigration Canyon and its overall lack of flatness, meaning that houses are built at different elevations and upslope or downslope of other houses, it appears possible for a house to be fully compliant with the fully-shielded light fixture/lumens, etc., requirements of the draft ordinance, but still emit light that to neighboring properties is unwanted or needed (light trespass). It seems like this issue should be addressed in the ordinance. One possible way to do this would be to simply encourage property owners in full compliance with the ordinance to nonetheless be good neighbors and turn off the offending light fixtures if not needed, after a certain hour of the night, etc. Another possible way would be to require such actions. This is an important issue to resolve.
  - There are a few ways that we have addressed this...
    - A curfew has been applied that applies to outdoor gathering spaces that are not in use to have lights off one hour after dusk.
    - We have also limited the height of wall mounted lighting fixtures to 14 ft above the base floor elevation of the primary entrance on the corresponding side of the building. Lowest elevation controlling on sides that have entrance.
      - The idea being, if the primary entrance at the back of the home is at a different elevation than at the front of the home the fixtures would have to be lower on the back...
    - We have also limited the amount of light at the property line to be .25 candlefoot. This is similar to the amount of light emitted at twilight.
7. Another basic issue to resolve is to whether (and if so, to what extent) the Planning Commission should be the entity/person to consider and make decisions involving compliance with the requirements of the ordinance. The draft grants the Planning Commission that authority, although it does not set forth much in the way of what procedures must be followed if/when the Commission undertakes those actions. If the Planning Commission is to have this role (this jurisdiction), the ordinance should be very precise in specifying the respective procedures that applicant property owners/residents and the Planning Commission must follow.
  - This is a fundamental question we will want to address at our next PC meeting.
8. There are a lot of comments and suggestions set forth in this memo, which underscores that Matt and his fellow MSD staffers have done a very good job in putting a first draft together and highlighting issues for further thought and fine-tuning. Thanks much!
  - Thank you so much for these very well considered and thorough comments! These improve the quality of our draft considerably! Staff sincerely hope that we have addressed each comment adequately! If we have not, we will try again 😊

**- Specific Comments -**

**Purpose**

1<sup>st</sup> bullet – We need to decide whether to use “light intrusion” or “light trespass.” If the latter, I recommend we use that instead of “light intrusion” in the sentence.

Darksky.org uses “Light Trespass” though I understand Jim’s concern as it relates to the legal definition of “trespass”.

- “Light Trespass” has been used in all instances

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2<sup>nd</sup> bullet – Question – Is the purpose of the ordinance really to promote energy conservation? Or, is that an incidental benefit of persons following the ordinance?

Energy conservation is an incidental benefit although the General Plan identifies environmental sustainability as a goal (per Staff Report comments) so the answer is both.

- Agreed not a primary concern but a benefit that can be identified as satisfying direction given in the General Plan.

3d bullet – I recommend deleting the last phrase in the sentence stating “and lighting nuisance on properties.” It is unnecessary.

- Removed

4<sup>th</sup> bullet – I recommend that “rural character” or “rural residential character” or something like that is used instead of “village character.”

- Language from the General Plan;
  - Area vision: The peaceful and rural atmosphere of the area is maintained while a high standard of service for residents is also upheld.
  - Transportation and mobility characteristics that were identified as needing to be preserved included **rural character/character areas** around Emigration Canyon and the **recreational character** and value associated with the area.
  - General Plan seeks to manage the influence of these external drivers and to preserve the **rural character** of Emigration Canyon for future generations to enjoy
- Happy to consider whatever revision...
  - Maintain the rural character of the Metro Township. (used currently)

## Definitions

“Accent or Architectural Lighting” - I recommend that “other structures” is used instead of “other items.”

- Accent Lighting definition has been adopted from DarkSky.org
- Architectural lighting has been replaced with accent lighting in all cases...

“Backlight” – The use of “luminaire” is OK if it is defined. See General Comment No. 2.

- **Luminaire:** A complete lighting unit that usually includes the fixture, ballasts, and lamps.”
  - This definition has been added.
    - Also definitions for;
      - Fixture
      - Ballast
      - Lamp
        - Note: Through popular usage, a portable luminaire consisting of a lamp with shade, reflector, enclosing globe, housing, or other accessories is also called a “lamp.” In such cases, in order to distinguish between the assembled unit and the light source within it, the latter is often called a bulb or tube, if it is electrically powered. [See also luminaire (light fixture).]

“B.U.G. Rating” - See General Comment No. 3. Also, I am not sure what the difference is between “uplight” (directed upward above the horizontal plane) and “glare” (emitted at high angles). Some clarity would be helpful. Note that the subsequent definition of “Glare” makes no mention of light emitted at high angles. Based on Figure 4, it appears to me that glare does not necessarily need to be light emitted at a high angle.

I think it would be helpful to provide a little information on what this rating is used for. Thus, I recommend adding a sentence stating along the lines of: “A B.U.G. rating provides a simple way to quantify where light emitted from a light fixture goes.”

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Figure 1 (“Application of BUG ratings for Dark Skies”) – The whole thing is confusing.

- Double checked to make sure our BUG definition is best available. We can look at updating the image that is something a bit more intuitive...

Also, so is the second bullet under the graphic, which indicates that the “appropriate glare rating is determined by the community.” What is that supposed to mean?

- Removed

“Correlated Color Temperature (CCT)” – This is somewhat confusing. How about something like “*A numerical description of the color appearance of light emitted by a light fixture (luminaire) that corresponds to the color appearance of light emitted from a specific light source when heated to a certain temperature measured in degrees kelvin (K).*”

- This definition has been updated with the Darksky.org suggested definition

Figure 2 – This should appear only once in the ordinance. In the draft, it is found on Page 4 and Page 14.

“Direct Illumination” – This is confusing, as the first sentence indicates that the term refers to light emitted from sources including a “reflector” (which term is presently not defined), but the second sentence excludes from direct illumination certain types of reflected light. This could use some clarification.

- Direct Illumination has been replaced by “light pollution” in many instances to clarify intent.
  - Direct Illumination has been kept in the document in definitions and where signage is regulated to describe specific instances such as backlite signs.

“Floodlight” – In the first sentence, delete “specific” and use “light fixture” instead of “form of lamp or fixture” so that it reads: “*A partially or fully shielded light fixture designed to direct its output in a specific direction.*” The second sentence appears to be unnecessary; thus, I recommend deleting it.

- This definition has been updated with the Darksky.org suggested definition
- The definition of spotlight has also been updated to reflect Darksky.org.
- Language regarding both has been combined within the document.

“Fully Shielded Fixture” – I recommend using “*Fully Shielded Light Fixture*” as the defined phrase, and the reference to “light” in the following sentences. My recommended modification of the definition is:

*“An outdoor light fixture that is constructed and installed so that all light is directed downward and no light is emitted above the horizontal plane. If the light fixture has an overall B.U.G. rating, the uplight rating component (U) must be zero (0). Fully shielded light fixtures must be shielded in and of themselves, and surrounding structures such as canopies cannot be considered in determining whether the light fixture is fully shielded.”*

- This definition has been updated with the Darksky.org suggested definition

Figure 3 is blurry to the degree that it is hard to determine whether it is helpful.

- Image has been updated.

“Glare” - Note that the earlier definition of “B.U.G. Rating” includes language defining “glare” as “the amount of light emitted from the luminaire at high angles.” However, the “Glare” definition includes no such language. It probably should. One possible formulation might be:

*“Light emitted from a light fixture that is excessively bright.”* I recommend that the definition be short and sweet and not condition the existence of glare on whether it causes subjective feelings in some (but perhaps not others) such as annoyance, discomfort, or a disability loss (whatever that is). If we want to hew closer to the IDA

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definition of glare, we could say "*Light emitted from a light fixture that is excessively bright and which may cause visual discomfort.*"

- This definition has been updated with the Darksky.org suggested definition

Figure 4 – Since the figure is entitled “Types of Glare,” the “Unwanted Glare” heading in the box seems unnecessary. Also, it seems that since all glare is unwanted, there is no reason to use the word “Unwanted.”

- Figure has been adjusted

“Internally Illuminated” – I recommend that the definition not include the phrase “and not directly visible,” as it seems unnecessary.

- There may be some validity as it relates to some very specific circumstances where signage is concerned... Planning Staff believe the intent is to ensure that the lighting element within a backlite or screened sign is never directly visible... There may be a cleaner why to articulate this...

“Light Pollution” – The current definition defines light pollution by its adverse effects. While I agree that light pollution does have adverse effects and is annoying, I recommend that, if possible, light pollution be principally defined by what it is as opposed to its adverse effect. Here is a suggestion:

*“The presence of unwanted, inappropriate, unnecessary, or excessive light emitted from indoor and outdoor lighting. Examples of light pollution include sky glow (brightening of the night sky), light trespass, glare, clutter (bright, excessive groupings of light sources.”*

- This definition has been updated with the Darksky.org suggested definition

“Light Intrusion” – Here we need to decide whether to use “Light Trespass” - which I have some concerns about based on the legal definition of trespass (an unlawful act committed on the person, property, or rights of a person; a wrongful entry; entering another person’s private property) – and “Light Intrusion” – which most of the other ordinances we have reviewed do not use, and which also might sound more minimal effect-wise than what is being discussed. For a variety of reasons, I am leaning toward the use of “Light Trespass.” Here is a suggested definition:

*“Light extending into and illuminating an area where it is not wanted or needed.”*

- Light trespass has been used in all instances
- This definition has been updated with the Darksky.org suggested definition

Figure 6 – Use “Light Trespass” as opposed to “Light Intrusion.” In the figure, on the left side, use “Light Trespass is not fair to your neighbors.”

“Lumen” – This definition is confusing. What is meant by “luminous flux”? How about something like:

*“A measurement of the amount of light emitted from a light bulb. One lumen is approximately equal to the amount of light emitted by one birthday candle that is one foot away, and a standard 60-watt bulb emits around 750-850 lumens of light.”*

- This definition has been updated with the Darksky.org suggested definition

Figure 7 – This charting of lightbulb brightness and relevant costs seem unnecessary. It might be related to the stated energy conservation purpose of the ordinance (see Purpose bullet 2). If so, it needs to be simplified.

“Manufacturer’s Catalog Cuts” – Is this necessary? Is this term used somewhere in the ordinance?

Manufacturer’s Catalog Cut Sheets should be required to be submitted with site lighting plans, site lighting calculations, and light fixture schedules. These cut sheets (product information) typically demonstrate if a light fixture is full cut-off, partial cut-off, or unshielded.

- Language has been included in the Lighting plan section that refers to the use of a “Manufacturer’s Catalog Cuts” whenever possible...

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“Net Acre” – This definition is quite a mouthful. The word “immitigable” in the first sentence needs to be changed to “unmitigable.”

I recommend that the sentence start out by stating: “*A gross acre (entire parcel) . . .*”

I also recommend that a second sentence be added to the definition stating something along the lines of “*A net acre is essentially the flat, usable portion of a parcel.*”

“Outdoor Light Fixture (Outdoor Lighting)” –

I recommend that the first sentence of the definition state: “*An outdoor electric, battery, or solar powered light fixture used to illuminate homes and other buildings, parking lots and parking areas, sidewalks and pathways, service canopies, recreational areas, signs, or other outdoor structures and uses.*”

In the second sentence, I recommend that “*light fixtures*” be used instead of “lighting fixtures.”

- 

“Partially Shielded Light Fixture” – The first and second sentences seem OK.

My minor recommendations are: (1) to replace “the installed fixture” with “it” in the first sentence; and (2) begin the second sentence with “Any light.” The “shall arise solely from” language in the second sentence seems awkward, but I do not have any suggested alternative language at this time.

I do not understand the third sentence, especially the phrase “above the vertical plane beneath the fixture.”

- Planning Staff adapted language as suggested.
  - The use of Luminaire controls the first
  - Second adapted
  - Third language of fixture included rather than lamp.
- Not sure if this definition is actually necessary...

Figure 8 – This appears twice in the ordinance (on pages 10 and 11). It should appear only once. Since the graphic focuses only on the extent to which a light fixture is shielded, I recommend that the phrase “and directed to reduce glare” be deleted from the first sentence. In the second sentence “reduce” should be used instead of “reduced.”

“Recreational Lighting” - One minor suggested edit – use “*other outdoor recreational facilities*” instead of “similar recreational facilities.”

- Adopted

“Security Lights” – OK

“Skyglow” – I recommend deleting the phrase “by moisture and dust particles in the atmosphere” from the end of the first sentence. The phrase is accurate but unnecessary.

- This definition has been updated with the Darksky.org suggested definition

“Spotlight” – Question – Is a spotlight the same as a floodlight? If so, the earlier definition of “floodlight” should make this clear and thus eliminate the need to separately define “spotlight.” If not, the respective definitions should make this clear.

- Both have been clearly defined and included next to one another in regulatory language..

“Tower” – OK, if 18’ is the generally understood height of towers.

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“Unshielded Fixture” – I recommend using “*A light fixture that allows light to be emitted above the horizontal plane.*” The second sentence and accompanying parenthesis do not seem to be necessary.

- The definition has been modified... planning staff left language that planning staff think govern reflectors in the fixture...
  - **Unshielded Fixture (lighting):** A fixture that allows light to be emitted above the horizontal plane, either directly from the lamp or indirectly from the fixture or reflector.

## Scope and Applicability

The four bullets appear twice, on page 11 and 14. They seem out of place here.

## Compliance

I recommend that “chapter” be capitalized (“*Chapter*”) whenever it is used.

- Adopted

I recommend that “after the date hereof” in the first sentence be changed to “*after the effective date of this Chapter.*”

- Adopted

The first sentence uses the phrase “conform to.” I recommend that that phrase or “comply with” be used consistently throughout the ordinance.

- Adopted

The second and third sentences conflict with each other. Either the ordinance covers both indoor and outdoor lighting, or it does not. This needs to be resolved.

- “All outdoor lighting installed and/or replaced after the effective date hereof in all zones in the Metro Township shall conform to the requirements established by this chapter. This chapter does not directly apply to indoor lighting. However, any light trespass at the property line must meet the standards established within this ordinance.”

## Nonconforming Uses

Capitalize “chapter.”

- Adopted

Replace the phrase “does not meet” in the first sentence with “*does not conform to*” or “*does not comply with*.”

- does not comply with

Begin the second sentence with “*The Metro Township encourages all property owners*” instead of “The town will encourage property owners.”

- Adopted

Let’s be sure that “*Metro Township*” is the proper phrase to use – that this use is consistent with other provisions in other ordinances.

- Adopted

In the third sentence, use “*property owners*” instead of “homeowners.”

- Adopted

## Modifications

### *Compliance through the Building Permit Process*

To be consistent with earlier ordinance language, use “*light fixtures*” instead of “lighting fixtures” in the first

## **Request: Review and Comment**

sentence.

- Luminaires has been used throughout the document as the catch all for the whole of the lighting fixture...

The first sentence needs to be clear that it pertains to “*all exterior light fixtures installed prior to the effective date of this Chapter.*”

- Adopted

The phrase “substantial modifications” in the first sentence needs to be fleshed out. Whatever meaning it has in this ordinance should be consistent with the use of the phrase in other Metro Township ordinances. Or, if it is intended to have a different meaning, that different meaning should be spelled out.

- Language has been updated...
  - If modifications are made to any structure which require the removal of a nonconforming luminaire, the luminaire shall be replaced with a compliant luminaire. In the event a nonconforming Luminaire is replaced, destroyed, damaged, or modified by fifty percent (50%) or more, the replacement shall comply with the provisions of this ordinance.

This reference to “substantial modifications” to the exterior of the building or an “enlargement” of its footprint (by how much?) makes this “Compliance . . .”language seem to have a very narrow effect. What about “substantial modifications” to other structures, statues, landscape features, recreational areas, etc., on the relevant property? Will they too be catalysts for compliance with the ordinance?

- Language has been updated...
  - If modifications are made to any structure which require the removal of a nonconforming luminaire, the luminaire shall be replaced with a compliant luminaire. In the event a nonconforming Luminaire is replaced, destroyed, damaged, or modified by fifty percent (50%) or more, the replacement shall comply with the provisions of this ordinance.

## **Change of Ownership**

**Question – Is this concept, that a change of ownership triggers the need to conform to the requirements of this Chapter, consistent with other Metro Township ordinances?**

- No, this would be unique to require...

## **Conflicts**

This seemingly stock phrase seems to be tailored to fit the Metro Township. The first sentence, which probably does not need to refer to any city's law, is also fairly confusing. The second sentence is also somewhat confusing. A possible rewrite of the two is as follows:

*“In the event any federal, state, or county statute or regulation conflicts with any provision of this Chapter, the most restrictive statute, regulation, or provision shall govern unless otherwise required by law. In the event any provision of the Metro Township’s other ordinances conflicts with the provisions of this Chapter, the provisions of this Chapter shall govern.”*

- Adopted

## **Outdoor Lighting Standards – Fully Shielded Fixture**

- Insert “Light” before “Fixture.”

## **Total Light Output**

- Just to offer some perspective...
  - Twilight produces just 1 foot-candle, while a night with a full moon has 0.01 foot-candle and an overcast night has only 0.00001 foot-candle.
    - <https://www.takethreelightning.com/light-levels.html>

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### Required

In the first sentence, capitalize “chapter.”

- Adopted

Insert “light” before “fixture” wherever that word appears.

- Luminaires has been used throughout the document as the catch all for the whole of the lighting fixture...

Question – Should this ordinance, which principally concerns outdoor lighting, include any language regulating indoor lighting? I would like our legal counsel to advise us on whether the ordinance can regulate indoor lighting.

- Unless specifically exempted by this chapter, all outdoor lighting shall use fully shielded fixtures that are designed and constructed so that:
  - No light is emitted and/or reflected above the horizontal plane of the fixture.
  - Lighting must be placed and/or directed at a location, angle, and/or height to prevent direct illumination outside the property boundaries where the light fixtures are located.
  - Where a light manufacturer provides a BUG rating, the uplight rating (U) must equal zero (0).

### Characteristics

This seems OK.

It seems like it could be argued that this has already been defined... but might be good for clarification...

### Restrictions On Total Amount of Unshielded Lighting

I recommend that “Exemptions to Fully Shielded Fixture Requirements” precede this section. It makes sense that it should follow the section setting forth the requirements for fully shielded light fixtures.

- Adopted
  - This eliminates the need for a separate exemptions chapter...

The first paragraph under the “Restrictions” heading seems OK.

Second paragraph – Question – How was the 25’ distance determined? Why is it not 50” or some other distance?

- 25’ was chosen because it is standard in most ordinances...
  - Another way to look at the issue would be to consider the height of any pole lighting that we allow within the ordinance a tailor a distance that would be consistent with typical light spill from a conforming luminaire.

### Exemptions to Fully Shielded Fixture Requirements

– Insert “Light” before “Fixture”

I recommend that the order of the first and second paragraphs be reversed. It makes sense to first state what light fixtures are exempt and then provide additional requirements regarding the exempt fixtures.

On what is currently the first sentence under the heading, I recommend that it state: *“All light emitted from light fixtures that are exempt from the fully shielded light fixture requirements of this Chapter shall be included in calculating the total light output of a residential or commercial property.”*

Question – what is meant by the phrase “full cutoff requirement” located just above three bulleted paragraphs?

The three bulleted paragraphs seem OK.

### Spotlights

This term should be defined in the definitions section.

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- Adopted

Same question as above - what is meant by the phrase “full cutoff requirement” – which appears in the first sentence under the heading?

- “Fully shielded” has been defined and used in all instances

I recommend that a third bullet be added requiring any spotlight that is turned on by a motion sensor to be automatically turned off after a specified period of time.

- The lighting is activated by motion sensors and shuts off, within or before, fifteen (15) minutes after each disturbance or when the activity involved is completed.

#### *Pathway Lights*

This term should be defined in the definitions section.

- **Pathway Lights:** A luminaire, or collection of luminaires, less than eighteen inches (18") in height, lining one or both sides of a pathway which offer illumination to guide along an outdoor path or walkway.

Same question as above - what is meant by the phrase “full cutoff requirement”?

- Full cutoff has been defined. However fully shielded has been used in this section...

#### *Architectural Lights, Water Feature Illumination, and Sign Illumination*

“Architectural Lights” and maybe “Water Feature Illumination,” should be defined in the definitions section.

- “Architectural lighting” has been replaced by “Accent Lighting” defined below:
  - **Accent Lighting:** Lighting of building surfaces, landscape features, statues, and similar items for the purpose of decoration or ornamentation; or lighting that does not contribute to the safety or security of residents, guests, employees, or customers on a property.

Same question as above - what is meant by the phrase “full cutoff requirement”?

Insert “that” after “provided” and before “such illumination.”

- This section has been removed

#### *Temporary exterior lighting*

Capitalize “exterior” and “lighting” in the heading.

- Adopted

Same question as above - what is meant by the phrase “full cutoff requirement”?

- Full cutoff has been defined. However fully shielded has been used in this section...

I agree with Jody’s comments that the November 15 to January 15 exemption period for “holiday or seasonal decorations” is too long, and any such lighting should be turned off by a certain time.

Jody also recommended that such lighting only be allowed if the owners/residents of the property are there on the property. I think that in the interests of home security, it would be reasonable to allow absent owners/residents to have such lighting set up on a timing system so that its going on and off is consistent with the neighborhood.

Possible language is: “*Temporary exterior lighting that is intended to consist of or illuminate holiday or seasonal decorations is exempt from the full cutoff requirement and allowed from the period of December 15 to January 15, provided that the relevant individual light sources do not exceed 70 lumens, are turned off by 10:00 p.m. each night, and do not cause light trespass.*”

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- Planning Staff have adjusted the dates as discussed in the previous PC meeting... They now reflect between December 1 and the following January 3

All requirements related to light levels need to be further discussed as noted in Jodi's comments on the Staff Report.

### *Traffic control signals and traffic safety devices*

Add "law enforcement lighting" to the heading.

- Adopted

Possible language: "*Traffic control signals, traffic safety devices, and law enforcement lighting is exempt from and not governed by the provisions of this Chapter.*"

- Adopted
- **Pool Lighting:** Underwater lighting fixtures providing illumination to all underwater areas of the pool.

## General Conditions and Standards

### Minimum Necessary

The sentence under the heading refers to "wattage," which appears for the first time in the draft. Is there a reason to use "wattage" here instead of "lumens"?

- Language is taken from IDA, but it is a fair point... I have made the change.
  - We have used wattage in a few places throughout the ordinance. Planning Staff will make a change to all...

To be consistent with the "should" language in the first three bullets, the fourth bullet should say something like: "*Where possible, warmer color lights should be used.*"

- Adopted

We need to fully vet best terminology. I recommend we use footcandles in lieu of lumens or lux. Light bulbs are measured in wattage but their light output is measured in footcandles, lumens or lux. So wattage is a needed term as it relates to the light bulb a property owner purchases to install in a light fixture.

- Language is taken from IDA, but it is a fair point... Planning Staff have made the change.
  - In all cases where wattage has been used Planning Staff have changed to Lumens. They seem to have a pretty direct relationship in terms of the resulting output of and bulb or lamp.

### Maximum Color Temperature of All Lighting

This seems to be the appropriate place for the Figure 2 appearing below the heading as well as on page 4 of the draft. If the figure stays here, it should be numbered as such and also referred to in the language under the heading.

- Point taken...
  - We will have to do a lot of reformatting to get this to fit the appropriate formatting followed by all ordinances.

### Total Light Output

This had been moved to the outdoor lighting standards.

First bullet – OK

Second bullet – This needs lead-in language like the first bullet: "*The total amount of outdoor lighting for residential properties, whether shielded or unshielded shall not exceed . . . .*" In the second sentence, use "these" instead of "the" before "residential standards."

Third bullet – Do we need this bullet? Are there any multi-family residential properties in Emigration Canyon? If not, are there plans for any?

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There seem to be residential properties that have multiple tenants though I do not know if they are legally platted/zoned/taxed as such. The language should remain even if there are no “legal” multi-family residential properties.

- We do have some parcels zoned R-M which allows for multifamily residential...

## **Allowable Applications**

First six bullets – OK

Seventh bullet, first sub-bullet – use “*Metro Township*” instead of “Township.”

- Adopted

Seventh bullet, second sub-bullet – capitalize “planning commission.”

- Adopted

Seventh bullet, seventh sub-bullet –The prohibition here on the use of architectural light for “landscape, statues, or other similar features” conflicts with the definition of “Architectural Lighting” on page 3 of the draft, which indicates that such lighting is used for “building surfaces, landscape features, statues, and similar items.”

- Architectural lighting language has been replaced by the wording Accent Lighting

Eighth bullet – OK

## **Light Curfews**

### *Commercial Establishments*

OK – except for the colon that should be deleted.

### *Recreational lighting (residential and commercial)*

Capitalize all the words in the heading

- Adopted

OK otherwise.

## **Specialized Outdoor Lighting**

### Roadway/Streetlights

Question – Is the reference to the “City Engineer” appropriate?

- Probably should be County

The first time an acronym like UDOT is used, the entities full name should precede the acronym.

- Adopted

The use of “illuminance” (for the first time) seems a bit odd. Is that necessary?

- “Illuminance” has been replaced by “light”

## **Parking Lots**

The four bullets seem OK. In the fourth bullet, insert “from” after “fixture” and before “being visible.”

- Broke the last bullet up into two bullets
  - All parking lot lighting shall use fully shielded fixtures.
  - Internal or external shields shall prevent the light source from being visible from outside the parking lots.

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### **Recreational Lighting**

Questions – Is this section necessary? If so, is the Planning Commission the appropriate entity/person to consider and approve or deny requests for new recreational light fixtures for “field and courts”?

If this section is included in the ordinance, it should have more precise language indicating what types of “fields or courts” it covers, and what is meant by “class IV sports lighting.”

The section should address private courts that could be built on a residential property. I don’t know if public recreation courts apply to ECMT but private courts certainly could.

- This sounds like a good topic for discussion at our next PC Meeting...

### **Pole Mounted Recreational Lighting**

Questions – Is this separate section necessary? Could this section be included in the preceding section?

- Intended to be a subsection of the Recreational Lighting Section

Questions - Is the Planning Commission the appropriate entity/person to consider and approve or deny requests involving pole mounted recreational lighting?

- Planning Staff removed the bit about the PC and added this bit below...
  - Pole mounted recreational lighting must be set at a distance equal or greater than the height of the pole installed from any adjacent property line.

Pole mounted recreational lighting on residential property should be subject to the same requirements as other site lighting (i.e. – full cut of fixtures, glare, light output, etc.) It could potentially fall into the same category as swimming pool and pool deck lighting...

- Agreed...
  - Planning Staff am not sure that Planning Staff am reading into it that any pole mounted lighting would be exempt from these requirements, or that they would not be included in the total allowable light calculations we have in place.
    - Planning Staff could be wrong though 😊

### **Amphitheater Lighting**

Question – Is this section necessary? Are there any amphitheaters in Emigration Canyon? If not, are there plans for any?

- My thoughts on a lot of these is maybe... Maybe at Camp K? We would not want to have to come back and clarify with an amendment if we do not need to...
  - But if it feels like we are perhaps muddling the issue with excess... Planning Staff am happy to drop any of these sections that do not seem as though they have much relevance in the Canyon.

### **Signs**

#### *Standards for Internally Illuminated Signs*

#### *Standards for Backlit Signs*

Questions – What type of signs is this section with its two subparts intended to cover? Is this section necessary? If so, the language seems generally OK. However, it would seem appropriate to identify a time when such signage should be turned off if not needed.

- This section would cover any potential sign that might be proposed for a property in our commercially zoned parcels

### **Prohibited Lighting**

First bullet – OK

- Planning Staff ended up modifying this sentence to bring it in line with the language we are now using to describe Accent lighting... Now reads:

### Request: Review and Comment

- **Accent Lighting** the is directed upward above the horizontal plane to illuminate building structures, vegetation, or for any other use, except as allowed by other provisions in this chapter.

Second bullet – this should refer to “*temporary exterior lighting that is intended to consist of or illuminate holiday or seasonal decorations from the period of December 15 to January 15.*”

- including temporary exterior lighting that is intended to consist of or illuminate holiday or seasonal decorations from the period of between December 1 and the following January 3.

- Your good at this Jim 😊

Third bullet – Question – Is it necessary to refer to “sales display lot areas”? If so, language should be included to more precisely indicate what is intended by that phrase.

- “sales display lot areas” has been removed.

Fourth bullet - Question – What is meant by “high intensity light”? If that phrase is used, language should be included to more precisely indicate what is intended by that phrase.

- Planning Staff tried to provide a lot of clarity about the intent of this bullet with some rewording...
  - In the case of **Residential Properties**, no lighting fixture shall be mounted on a structure at an elevation of more than 14 ft. above the base floor elevation identified for primary entrance to the corresponding side of the structure. Each structure having identified a front, two sides, and a rear.
    - For structures having sides with no entrance present. The height limitation established by the lowest base floor entrance elevation shall control.
- Planning Staff am interested to see what council members think of this idea...
  - It is intended to regulate how high you can mount a luminaire on a home... if GRE on the front of your house is much higher than the GRE at the back of the house you would have the mount any lights in the back at a height corresponding to the backyard elevation.

Fifth bullet – Huh? Is this necessary? What type of lighting would it cover?

- Removed

### Hillsides, Ridgelines and Special Cases

Questions – Is the Planning Commission the appropriate entity/person to determine what “additional shielding” must be installed or other steps must be completed as part of any approval (of what, conditional use, building permit, etc.,) involving a “business or residence.”

- Fair question... Good one for our next discussion

Given the topography of Emigration Canyon and its overall lack of flatness, meaning that houses are built at different elevations and upslope or downslope of other houses, it appears possible for a house to be fully compliant with the fully-shielded light fixture/lumens, etc., requirements of the draft ordinance, but still emit light that to neighboring properties is unwanted or needed (light trespass). It seems like this issue should be addressed in the ordinance. One possible way to do this would be to simply encourage property owners in full compliance with the ordinance to nonetheless be good neighbors and turn off the offending light fixtures if not needed, after a certain hour of the night, etc. Another possible way would be to require such actions. This is an important issue to resolve.

- Fair comment... Good one for our next discussion

However, the above issue is resolved, this section of the ordinance needs to have some very precise language.

### FCOZ

The draft language regarding indoor lighting once again leads to the question of whether the ordinance can regulate indoor lighting. This is an issue about which we need our legal counsel’s advice.

- The language regarding FCOZ has been removed.

## Request: Review and Comment

### Towers

This seems OK (although “federal aviation administration” needs to be capitalized).

- Adopted

### Exemptions

- The section on Exemptions to Fully Shielded Fixture Requirements have been removed from this section and added to the section outlining Outdoor Lighting Standards per a previous comment.

### Holiday Lighting

This section should not be included here, as it is covered under the “Temporary Exterior Lighting” heading, which will over the topic in more detail.

- Adopted

### Traffic control signals and devices

If this heading is retained, here all the words should be capitalized.

- Heading has been adapted as suggested previously...
  - Law Enforcement Lighting Traffic Control Signals and Traffic Safety Devices:

Question – This type of lighting has already been addressed on page 14 of the draft. Is there a reason to over the topic twice? If not, let’s decide the most effective place to include it.

- Duplication has been removed...

### Temporary emergency lighting

If this heading is retained, here all the words should be capitalized.

- Adopted

Question – This type of lighting has already been addressed on page 14 of the draft. Is there a reason to over the topic twice? If not, let’s decide the most effective place to include it.

- Duplication has been removed...

### Low Voltage Pathway Lighting

This type of lighting appears to have had already been addressed on page 13 of the draft under the “Pathway Lights” heading. However, there are some slight differences in the language used in the respective coverages.

Question – Is there a reason to over the topic twice? If not, let’s decide the most effective place to include it.

- Duplication has been removed...

### Planning Commission Review

This seems like a good place to repeat my general comment no. 7: Another basic issue to resolve is to whether (and if so, to what extent) the Planning Commission should be the entity/person to consider and make decisions involving compliance with the requirements of the ordinance. The draft grants the Planning Commission that authority, although it does not set forth much in the way of what procedures must be followed if/when the Commission undertakes those actions. If the Planning Commission is to have this role (this jurisdiction), the ordinance should be very precise in specifying the respective procedures that applicant property owners/residents and the Planning Commission must follow.

- Fair comment... Good one for our next discussion

**Request:** Review and Comment

## Application and Review Procedures

### Lighting Plans

This language is general, which is a good start.

This language should specify at a minimum:

- When a lighting plan is required (when a building permit is submitted for a new residential or commercial building, or when there is a substantial modification to an existing one, or when there is a change of ownership, or when something else occurs);
- All sign permit applications, building permit applications and design/development review applications within any zoning district shall include a lighting plan that shows evidence that the proposed Luminaires, Fixtures, and lamps and bulbs shall distribute lighting in a manner constant with the with this chapter.
- What format a lighting plan should follow (maybe a specific form created by the Metro Township for this purpose);
- It may be that lighting plans already have an industry standard layout that is generally excepted... This would make a good topic of discussion at our next meeting.
- What specific information must be included in the lighting plan (the draft has good information on this);
- 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.
- 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 lumen, and shielding mechanisms for the planning commission to be able to determine compliance with the provisions of this chapter.
- A table showing the total amount of proposed exterior lights, by fixture type, lumens, and lamp type.
- Lighting plan demonstrating that no more than the allotted footcandle of light shall be utilized on the property or properties.
  - a. 1.5 footcandle per square foot of hardscape including the square footage of an any structures on the site on commercial properties
  - b. .75 footcandle per square foot of hardscape including the square footage of an any structures on the site on multi-family residential properties
  - c. .5 footcandle per square foot of hardscape including the square footage of the primary residential structure on the site on single-family residential properties
- To whom the lighting plan is submitted;
- An outdoor lighting plan for all new development shall be submitted for approval concurrent with the associated application process.
- The criteria used to determine whether the lighting plan may be approved or denied; and
- Fair comment... Good one for our next discussion
- The procedures the applicant may follow to appeal an adverse decision on the lighting plan.
- Fair comment... Good one for our next discussion
  - a. A certificate of occupancy shall not be issued until such time as the property is subject to a post installation nighttime inspection by the building inspector.

Site lighting calculations should be included with the site lighting plans

### **Request: Review and Comment**

- Lighting plan demonstrating that no more than the allotted footcandle of light shall be utilized on the property or properties.
  - a. 1 footcandle per square foot of hardscape including the square footage of any structures on the site on commercial properties
  - b. .75 footcandle per square foot of hardscape including the square footage of any structures on the site on multi-family residential properties
  - c. .5 footcandle per square foot of hardscape including the square footage of the primary residential structure on the site on single-family residential properties

**and light fixture schedules.**

- Does this cover what you had in mind?
  - a. "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."

**Manufacturer cut sheets should also be required for each light fixture type included on the lighting plans as those will demonstrate if the light fixture is full cut-off.**

- "A table showing the total amount of proposed exterior lights, by fixture type, lumens, and lamp type, Including a Manufacture Cut Sheet whenever possible."

### **Violations**

The heading should include ("and Enforcement)."

- Adopted

**The draft language is a good start, but it needs to provide specific information on:**

- (1) what steps the Metro Township enforcement entity will take when it is determined that there is outdoor lighting that does not comply with the requirements of the ordinance;
- (2) the steps an owner/resident who has been determined to be out of compliance may take to appeal that adverse determination;
- (3) The time period within which an owner/resident who has been determined to be out of compliance must come into compliance after a final decision has been rendered on the matter;
- (4) Steps the Metro Township may take when an owner/resident who has been determined to be out of compliance fails to bring its outdoor lighting into compliance with the ordinance.

**The language that is used in the ordinance to cover the above should be consistent with other violations/enforcement language in the Metro Township's zoning and/or land development ordinances.**