

ORDINANCE NO. 2021-29

AN ORDINANCE AMENDING THE LIGHTING STANDARDS OF CHAPTER 18.78 LIGHTING.

WHEREAS, the City Council of Heber City finds that the requirement of dark sky lighting on all residential development is in the public interest to preserve the rural character and night sky of the City.

BE IT ORDAINED by the City Council of Heber City, Utah, that Chapter 18.78 Lighting is AMENDED as shown in Exhibit 1.

This Ordinance shall take effect immediately upon passage.

ADOPTED and PASSED by the City Council of Heber City, Utah this 3rd day of August, 2021, by the following vote:

	AYE	NAY
Council Member Heidi Franco	<u>X</u>	___
Council Member Wayne Hardman	<u>X</u>	___
Council Member Rachel Kahler	___	<u>Absent</u>
Council Member Ryan PC Stack	<u>X</u>	___
Council Member Mike Johnston	<u>X</u>	___



APPROVED:

Kelleen Potter  
Mayor Kelleen Potter

ATTEST:

Dina N. Cooke

RECORDER

Date: 8/3/2021

Date of First Recording: N/A

# Exhibit 1

## **18.78 Lighting**

### **18.78.010 Purpose Of Provisions**

### **18.78.020 Definitions**

### **18.78.030 Non-Conforming Light**

### **18.78.040 Lighting Standards**

### **18.78.050 Lighting Plan Required**

### **18.78.060 Right Of Way Lighting**

### **18.78.070 Conflicting Provisions**

### **18.78.010 Purpose Of Provisions**

The purpose of the lighting requirements in this chapter shall be to preserve the night sky and to mitigate the impact of lighting from Multi-family, Commercial, Industrial, and other Non-Residential developments on surrounding residential neighborhoods.

### **18.78.020 Definitions**

- A. Airport Lighting. Airport Lighting shall mean any and all lighting fixtures within the boundary of the Heber City Municipal Airport.
- B. Direct Light. Direct Light is light that is being spread, un-interrupted, from the lighting element of the lighting fixture. Direct Light typically results in the visibility of the lighting element from areas being lit by Direct Light.
- C. Full Cut-Off. Full Cut-Off shall mean that the lighting element is recessed within the lighting fixture and no light shall trespass above a 90-degree angle from the fixture, perpendicular to the ground.
- D. Holiday Lighting. Holiday Lighting shall mean any lights or lighting of decorations in conjunction with the celebration of a National, State, Local, Cultural, or Religious Holiday.
- E. Lighting Element. Lighting Element shall mean the portion or piece of a fixture that is emitting light. This may include, but are not limited to, LEDs panels and/or bulbs.
- F. Net Acres. Net Acres shall mean the remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.
- G. Reflected Light. Reflected Light is ambient light that results from the reflection of direct light off the urban environment.
- H. Shoebox Fixtures. Shoebox Fixtures shall mean a square or rectangular box shaped lighting fixture on top of a pole.

### **18.78.030 Non-Conforming Light**

All lighting existing prior to the adoption of this section are considered Non-Conforming and are allowed to remain in their current state. Non-Conforming lights shall be brought into compliance with this section with the redevelopment or expansion of the site or change of use.

### **18.78.040 Lighting Standards**

- A. Non-Residential and Multi-Family Residential Standards
  - 1. All lighting shall be full cut-off and directed downward. The lighting element shall not be visible from the property line.
  - 2. Height – All fixtures shall be mounted no higher than 16 feet.
  - 3. Light Containment – In no case shall Direct Light be allowed beyond the property line and in no case shall the lighting element be visible from beyond the property line. Site lighting shall be considered as to reduce the amount of Reflective Light leaving the site.
  - 4. LED Required – All fixtures shall be LED.
  - 5. Shoebox fixtures are prohibited. All poles and fixtures shall be of a decorative design.

6. All lighting fixtures shall be 3000 K or less in color.
  7. In no case shall the total lumens for a single site exceed 100,000 lumens per net acre.
  8. All non-residential exterior lighting shall be shut off during non-business hours.
    - a. Some lights may be dimmed when connected to an automated dimmer as determined on a case by case basis by the Planning Commission when:
      - i. The lighting is essential to the security of the site.
      - ii. The site offers services outside of employed business hours.
    - b. Dimmed lights must be dimmed by a minimum of 50%. This may be accomplished by dimming all lights by 50% or by a combination of dimmed and shut off lights. In no case can any lights be running at 100% output.
    - c. Motion sensor security lights may operate during non-business hours.
  9. Businesses that operate 24 hours a day and are adjacent to residential property shall dim exterior lighting so as to reduce the impact to surrounding residential properties while maintaining site security for the patrons of the said business.
- B. Single Family Residential Standards. The following provisions shall be applicable to all residential developments and buildings approved after the date of adoption of this ordinance.
1. All lighting shall be full cut-off and directed downward. The lighting element shall not be visible from the property line.
  2. Height – All fixtures shall be mounted no higher than 16 feet.
  3. LED Required – All fixtures shall be LED.
  4. All lighting fixtures shall be 3000 K or less in color.
  5. Home Owners Associations (HOA's) in new residential subdivisions shall include dark sky compliant regulations in their Covenants Conditions and Regulations (CC&R's).
- C. Exemptions
1. Airport Lighting: Lighting at the Heber City Municipal Airport.
  2. Flags: The up lighting of National, State, or Local Government flags, by any party, shall be exempt. Flags should be taken down at night to avoid the need for lighting.
  3. Holiday Lighting: Holiday lighting shall be exempt.

**18.78.050 Lighting Plan Required**

Lighting Plans are required for all Non-Residential and Multi-Family Residential Developments and shall be submitted as part of the Site Plan.

- A. Lighting plans shall include the following:
1. Detail for lighting fixtures. Including:
    - a. Fixture type
    - b. Fixture dimensions.
    - c. Fixture color.
    - d. Lighting element type.
    - e. Lighting element wattage.
    - f. Lighting color temperature in Kelvin units.
    - g. Fixture Lumens output
  2. Photometric plan of site.
  3. Fixture locations. Including:
    - a. Exterior building lighting.
    - b. Site lighting.
    - c. Right of way lighting.
- B. Continuing obligation to comply with standards. Once new lighting is installed, the owner has the continuing obligation to ensure existing and new lighting fixtures comply with city lighting standards.

**18.78.060 Right Of Way Lighting**

All lighting within the public right of way shall be consistent with the current Engineering Standards and Specifications.

**18.78.070 Conflicting Provisions**

In any instance where the provisions of this section conflict with the provisions of another section, the stricter of the two provisions shall apply.