

ORDINANCE NO. 2023-04

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 34 “LAND DEVELOPMENT”, ARTICLE VI, “LAND USE”, DIVISION 9 “DEVELOPMENT STANDARDS” AT SECTION 34-64 “OUTDOOR LIGHTING”, TO INCLUDE A TEMPERATURE STANDARD AND MODIFY ILLUMINATION LEVELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Village Council desires to amend its existing regulations to modify and update regulations regarding the land development procedures and processes of the Village; and

WHEREAS, the Village Council has reviewed the recommended ordinance and has determined that it is in the best interests and general welfare of the Village to adopt this Ordinance.

NOW, THEREFORE, THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA HEREBY ORDAINS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby affirmed and ratified as if fully set forth herein.

Section 2. Chapter 34 “Land Development,” Article VI, “Land Use”, Division 9 “Development Standards” at Section 34-1364 “Outdoor Lighting,” shall be amended to read per Exhibit “A” (words ~~stricken~~ are deletions; words underlined are additions).

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the ordinance may be made a part of the Village Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the Village Council of the Village of Palm Springs, Florida.

Council Member _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, MAYOR PRO TEM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GARY READY, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, this _____ day of _____, 2023.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____

BEV SMITH, MAYOR

First Reading _____

Second Reading _____

ATTEST:

BY: _____

KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____

GLEN J. TORCIVIA, VILLAGE ATTORNEY

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NOW, THEREFORE, THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA HEREBY ORDAINS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby affirmed and ratified as if fully set forth herein.

Section 2. Chapter 34 “Land Development,” Article VI, “Land Use”, Division 9 “Development Standards” at Section 34-1364 “Outdoor Lighting,” shall be amended to read per Exhibit “A” (words ~~stricken~~ are deletions; words underlined are additions).

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Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the Village Council of the Village of Palm Springs, Florida.

Council Member Gunther offered the foregoing Ordinance and moved its adoption. The motion was seconded by Council Member Ready, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, MAYOR PRO TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GARY READY, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, this 13th day of April, 2023.

VILLAGE OF PALM SPRINGS, FLORIDA
BY: [Signature]
BEV SMITH, MAYOR

First Reading March 9, 2023
Second Reading April 13, 2023

ATTEST:
BY: [Signature]
KIMBERLY M. WYNN, VILLAGE CLERK



REVIEWED FOR LEGAL FORM AND SUFFICIENCY
BY: [Signature]
GLEN J. TORCIVIA, VILLAGE ATTORNEY

Sec. 34-1364. Outdoor lighting.

- a) *Purpose and intent.* It is the intent of this section to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures, luminaries and lighting systems are designed, constructed, and installed to:
- 1) Control glare and light trespass;
 - 2) Minimize obtrusive light;
 - 3) Eliminate the increase of lighting levels on competing sites;
 - 4) Provide safe roadways for motorist, cyclists, and pedestrians;
 - 5) Conserve energy and resources while maintaining safety, security, and productivity; and
 - 6) Curtail the degradation of the nighttime visual environment.
- b) *Applicability.* All outdoor lighting shall be subject to the requirements of table 34-1632.1, illumination levels, and table 34-1362.2, maximum permitted luminaire height, unless exempted or permitted to deviate as described herein. Lighting not specifically listed may be classified by the Planning, Zoning & Building Director.
- 1) *Conflict.* In the case of a conflict between this section and other provisions of this Code, or other applicable codes, the stricter regulation shall apply.
 - 2) *Nonconforming lighting.* (a) All luminaries that do not comply with the standards of this section shall be subject to the limitations on expansion, maintenance, relocation, damage repair and renovations pursuant to Division 3. Nonconformities. (b) If a property or use with nonconforming lighting is vacant or unutilized for a 12 month period, then all outdoor lighting shall be reviewed and brought into compliance with this Section before the use is resumed.
 - 3) *Exemptions.* The following uses shall be exempt to the extent listed below:
 - a. *Residential.* Single-family and multifamily dwellings up to two units shall not be subject to the requirements of this section.
 - b. *Streetlights.* Streetlights in any public ROW that meet the requirements of the appropriate public utility, provided that light fixtures are fully shielded in order to limit light trespass and are rated with a color temperature of 3000 Kelvins or warmer.
 - c. *Temporary lighting.* The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare.

- d. *Landscape and accent lighting.* Landscape and accent lighting fixtures that comply with the Florida Building Code, Energy Conservation, 5th Edition, Section C4056, efficiency requirements shall be exempt. All exempt landscape and accent lighting fixtures must have a locking mechanism and a glare shield so that light is aimed, and remains aimed at the surface intended. Accent and landscape luminaires not exceeding 100 watts.
- 4) *Prohibited outdoor lighting.* The following types of outdoor lighting are prohibited within the village:
- a. Any light that creates glare observable within the normal range of vision onto a street or creates a safety hazard;
 - b. Any light that resembles an authorized traffic sign, signal, or device, or that interferes with, misleads, or confuses vehicular traffic as determined by the land development director;
 - c. Beacon or searchlights, except for temporary grand openings and special events, as limited by state or federal law;
 - d. Any drop lens fixture or fixture that does not meet the IESNA full-cutoff classification of zero percent of lumens above 90 degrees from nadir. This includes, but is not limited to, parking lot fixtures, building façade fixtures, and other non landscape lighting fixtures;
 - e. Animated lighting, unless authorized under article IV, signs.
- 5) *Deviations.* Lighting may vary from this section to the extent necessary to comply with the following:
- a. Florida Statutes § 655.962, related to ATM lighting;
 - b. Florida Statutes § 812.173, related to parking lots for convenience businesses;
 - c. Lighting on public schools required by FBC chapter 423, and the SDPBC electrical design criteria;
 - d. Airport lighting regulated by state or federal law;
 - e. Lighting for obstructions to air navigation as provided by U.S. Department of Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K;
 - f. Lights required on vehicles under state uniform traffic control statutes or for vessels under vessel safety statutes under F.S. Ch 316 and F.S. Ch 327;
 - g. Lighting for public health required by F.S. Ch 381;
 - h. Electrical code statute requirements under state building code;
 - i. Florida Statutes § 553.963 and F.S. § 553.904, Efficiency and Energy Conservation Statutes Under Building Code Standards;

- j. Lighting for outdoor theaters under F.S. § 555.07;
- k. Lighting for village ballfields and park facilities;
- l. Lighting for communication towers under chapter 34, subdivision XIX, wireless telecommunication towers and antennas; and
- m. Other federal, state, and local laws and regulations that may apply.

c) *Submittal requirements.*

- 1) *Photometric plan.* All site plan and building permit applications that include the use of external luminaries, or luminaries visible from the exterior of a structure shall include an outdoor lighting plan and an outdoor security lighting plan showing location, type, and height of all luminaries, and photometrics in foot-candle output of all proposed and existing luminaries on-site. On-site lighting to be included in the calculations shall include, but is not limited to, lighting for the parking lot, canopies, recessed lighting along the building and/or overhang. Each plan shall include any calculations or modifications required to comply with items listed in subparagraph (5), deviations, above. The photometric plans shall include the following:
 - a. A table showing the average, minimum, and maximum foot-candles, average to minimum ratio, and maximum to minimum ratio on the site, and maximum luminaire heights. The maximum photometric calculation grid shall not exceed ten feet.
 - b. Manufacturer's catalog cuts that provide a description of the luminaries, including wattage, lumen output, color temperature, glare reduction/control devices, lamps, on-off cycle control devices and mounting devices.
 - c. All photometric plans must be signed and sealed by a registered design professional per Florida Statutes.
 - d. A certificate of compliance signed and sealed by a registered design professional per Florida Statutes, must be submitted prior to the issuance of a certificate of occupancy/finalizing of the permit.
 - e. The photometric plan shall not include time averaging or other alternative methods of measurement. A light loss factor (LLF) shall be used for the calculations in a photometric plan. The values of the LLF shall be a maximum value of 0.72 for metal halide, 0.81 for high pressure sodium and 0.95 for LED, based on manufacturers' initial lamp lumens.

d) *Standards.*

- 1) *Confinement.* All outdoor lighting shall utilize full cutoff luminaries per the Illuminating Engineering Society of North America (IESNA) definition of full cutoff which allows for zero percent of lumens above 90 degrees from nadir. No luminaries other than landscape lighting exempted per subparagraph

- (b)(3)d. above, shall be directed upwards to avoid urban sky glow. Accent and landscape luminaires shall not exceed 100 watts.
- 2) *Light trespass.* The maximum illumination at the property line of an adjoining residential parcel or public ROW is 0.33 horizontal and vertical foot-candles measured at six feet above grade level. Said illumination likewise measured at the property line of an adjoining non-residential parcel, shall not exceed 3.0 horizontal and vertical foot-candles measured at six feet above grade level.
- 3) *Security lighting and time restrictions.*
- a. Full cutoff luminaires shall be used for all security lighting and dusk-to-dawn area lighting.
 - b. Outdoor illumination, including, but not limited to, areas used for outdoor sales and display, eating, parking, assembly, service, storage of equipment and freight, loading and unloading, repair, maintenance, commercial activities, and industrial activities shall not continue after 11:00 p.m., or no more than one hour after active use of the area ceases, whichever is later, except for security lighting.
 - c. Security lighting shall be required for all active entrances to buildings, parking lots and access to buildings or parking lots. All security lighting shall maintain an average of 0.75 fc, a minimum of 0.3 fc and a maximum of 3 fc from dusk until dawn.
 - d. No outdoor recreational facility shall be illuminated after 11:00 p.m. except to conclude a scheduled and sanctioned recreational or sporting event by the Village or other authorized agency in progress prior to 11:00 p.m. The luminaries shall be extinguished after outdoor recreational events are completed and the site has been vacated.
 - 1. *Exceptions.* Public recreational facilities that operate or are open to the public on a 24-hour basis.
 - e. Automatic timing devices with a photosensor or an astronomical timeclock, which control the hours of illumination shall be required for all parking lots, car dealerships/outdoor display lots and parking garages. These devices may remain on Eastern Standard Time throughout the year.
- 4) *Temperature:* All light sources shall have a color corrected temperature (CCT) of 3000 Kelvin or warmer.
- 5) *Illumination levels.* Table 34-1362(1), illumination levels, indicates the minimum and maximum illumination levels for specific site elements, as well as the maximum to minimum, and average to minimum ratios.

Table 34-1362(1): Illumination Levels

Outdoor Lighting	Maximum Illumination (1)	Minimum Illumination (1)	Max to Min Ratio	Average to Min Ratio
Buildings and Accessory Structures				
a. Pathway lighting (2)	5.0 (4)	-	-	-
b. Canopies, drive-thru and overhangs	30.0	3.0	10:1	2.5:1
Parking lots				
a. Multifamily residential	3.0	0.3	10:1	-
b. All others	12.0	1.0	12:1	3:1
Parking Structures				
a. Parking area	10.0	1.0	10:1	4:1
—b. RampsDay	20.0	2.0	10:1	-
—c. RampsNight	10.0	1.0	10:1	-
—d. Entrance areaDay	50.0	5.0	10:1	-
—e. Entrance areaNight	10.0	1.0	10:1	-
f. Stairways	-	10.0	-	-
Property Boundary	Refer to Light Trespass			
Specialty Lighting (3)				
a. Outdoor entertainment	Per IESNA Lighting Handbook			
b. Parks				
Other Lighting Types				
a. Outdoor display and storage for vehicle sales and rental.	15 (5)	1.0	15:1	4:1
b. Other outdoor display and storage Areas.	20	1.0	15:1	4:1
c. Outdoor work areas	20	1.0	15:1	4:1
Notes				
1. Measured in foot-candles.				
2. Building or accessory mounted luminaries used to light parking lots shall comply with parking lot illumination levels.				
3. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting.				
4. Fully shielded bollards not greater than forty-two inches in height may be permitted up to twenty foot-candles.				
5. May be increased to twenty foot-candles for the first row of display Parking located adjacent, but not				

- 6) *Luminaire heights.* Table 34-1362(2), Maximum Permitted Luminaire Height, identifies the maximum height for any freestanding or structure mounted luminaires.

Table 34-1362(2)-Maximum Permitted Luminaire Height

Location	Maximum Height	
Buildings and Accessory Structures		
a. Buildings	25 feet or eave overhang, whichever is lower (unless required by the Florida Building Code)	
b. Accessory structures	10'	
Parking Lot		
a. Residential	20 feet	-
b. Industrial	40 feet	-
c. Commercial, civic and institutional	30 feet, or equal to the height of the building up to a maximum of 40 feet	-
Parking Structures		
a. Luminaires on top parking level.	20 feet or 25 feet (4)	-
Property Boundary		
a. Luminaires within 100 feet of residential (2)	20 feet	-
Specialty Lighting (3)		
a. Golf courses	Per IESNA Lighting Handbook	
b. Outdoor entertainment		
c. Parks		
Notes:		
1. For the purposes of this table, residential parcel shall include any residential use, or any vacant parcel with a residential land use designation.		
2. The height of any lighting luminaire within 100 feet of a parcel with a residential use land use designation shall be limited in accordance with the height limitations of the adjacent residential land development district.		
3. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting.		
4. Minimum setback shall be forty-five feet from exterior edge of wall for all luminaries, except luminaries mounted to interior face of perimeter wall, which do not exceed the height of the perimeter wall.		

7) *Measurement.*

- a. Illumination levels shall be measured in foot-candles with a direct-reading, calibrated, portable light meter. The light meter shall be placed not more than six inches above grade level.
- b. For the purpose of measuring light trespass, the light meter shall be placed at the property line of the subject parcel six feet above the grade level.