

ORDINANCE NO. 2015-31

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES BY AMENDING CHAPTER 34 "LAND DEVELOPMENT", ARTICLE VI "LAND USE", DIVISION 9 "DEVELOPMENT STANDARDS", TO ADD A NEW SECTION 34-1364 ENTITLED "OUTDOOR LIGHTING"; PROVIDING FOR CODIFICATION; REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Palm Springs, Florida (the "Village") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Village desires to establish regulations in the Village Code of Ordinances regarding outdoor lighting in order to preserve, protect and enhance the lawful nighttime use and enjoyment of properties within 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, and its residents, to adopt this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The foregoing recitals are incorporated herein as true and correct findings of fact of the Village Council, and serve as a basis for adoption of this Ordinance.

Section 2. Chapter 34 "Land Development", Article VI "Land Use", Division 9 "Development Standards" is hereby amended to add a new Section 34-1364, "Outdoor Lighting", as follows:

Sec. 34-1364. – Outdoor Lighting.

1. 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: control glare and light trespass, minimize obtrusive light, eliminate the increase of lighting levels on competing sites, provide safe roadways for motorists, cyclists and pedestrians, conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment

2. 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 Land Development Director.

a. Conflict

In the case of a conflict between this Section and other provisions of this Code, or other applicable codes, the more strict regulation shall apply.

b. Non-conforming Lighting

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](#).

c. Exemptions

The following uses shall be exempt to the extent listed below:

1) Residential

Single-family and multi-family dwellings up to two units shall not be subject to the requirements of this Section.

2) Street Lights

Street lights in any public ROW that meet the requirements of the appropriate public utility.

3) 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.

4) Landscape and Accent Lighting

Landscape and Accent Lighting fixtures that comply with the [Florida Building Code, Energy Conservation, 5th Edition, Section C4056](#), efficacy 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 luminaries not exceeding 100 watts.

d. Prohibited Outdoor Lighting

The following types of outdoor lighting are prohibited within the Village:

- 1) Any light that creates glare observable within the normal range of vision onto a street or creates a safety hazard;
- 2) 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;
- 3) Beacon or searchlights, except for temporary grand openings and special events, as limited by State of Florida or Federal law;
- 4) Any drop lens fixture or fixture that does not meet the IESNA Full-Cutoff classification of 0% 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.
- 5) Animated lighting, unless authorized under [Article IV, Signs](#).

e. Deviations

Lighting may vary from this Section to the extent necessary to comply with the following:

- 1) [F.S. 655.962](#), related to ATM lighting;
- 2) [F.S.812.173](#), related to Parking lots for Convenience Businesses;

- 3) Lighting on Public Schools required by FBC Chapter 423, and the SDPBC Electrical Design Criteria;
- 4) Airport Lighting regulated by State or Federal law;
- 5) Lighting for obstructions to air navigation as provided by U.S. Department of Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K;
- 6) Lights required on vehicles under state uniform traffic control statutes or for vessels under vessel safety statutes under F.S. 316 and 327;
- 7) Lighting for public health required by F.S. 381;
- 8) Electrical code statute requirements under state building code;
- 9) F.S. 553.963 and F.S. 553.904, Efficiency and Energy Conservation Statutes under Building Code Standards;
- 10) Lighting for outdoor theaters under F.S. 555.07;
- 11) Lighting for Village ballfields and park facilities;
- 12) Lighting for communication towers under Chapter 34, Subdivision XIX, Wireless Telecommunication Towers and Antennas; and
- 13) Other federal, state and local laws and regulations that may apply.

3. Submittal Requirements

a. 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 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 e, Deviations, above. The photometric plans shall include the following:

- 1) 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. Maximum photometric calculation grid shall not exceed ten feet.
- 2) Manufacturer's catalog cuts that provide a description of the luminaries, including wattage, lumen output, glare reduction/control devices, lamps, on-off cycle control devices and mounting devices.
- 3) All photometric plans must be signed and sealed by a registered design professional per Florida Statutes.
- 4) 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 / finaling of the permit.
- 5) 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.

4. Standards

a. 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 0% of lumens above 90 degrees from nadir. No luminaries other than landscape lighting exempted per subparagraph 2.C.4, above, shall be directed upwards to avoid urban sky glow.

b. 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.

c. Security Lighting and Time Restrictions

- 1) Full cutoff luminaires shall be used for all security lighting and dusk-to-dawn area lighting.
- 2) 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.
- 3) 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 0.75fc, a minimum of 0.3fc and a maximum of 3fc from dusk until dawn.
- 4) 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.

a) *Exceptions*

Public recreational facilities that operate or are open to the public on a 24 hour basis.

- 5) 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.

d. 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.

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Table 34-1362(1) - Illumination Levels

Table 61-1002(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. Multi-family 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. Ramps – Day	20.0	2.0	10:1	-
c. Ramps – Night	10.0	1.0	10:1	-
d. Entrance Area – Day	50.0	5.0	10:1	-
e. Entrance Area – Night	10.0	1.0	10:1	-
f. Stairways	-	10.0	-	-
Property Boundary	Refer to Light Trespass			
Specialty Lighting (3)				
	Per IESNA Lighting Handbook			
a. Outdoor Entertainment				
b. Parks				
Other Lighting Types				
a. Outdoor Display and Storage for vehicle sales and rental.	40	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. Building or accessory mounted luminaires 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 42 inches in height may be permitted up to 20 foot-candles.				

e. Luminaire Heights

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

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

Location	Maximum Height	
	U/S Tier	Rural, Exurban and AGR Tiers
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 feet	8 feet
Parking Lot		
a. Residential	20 feet	15 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	25 feet
Parking Structures		
a. Luminaires on top parking level.	20 feet or 25 feet (4)	15 feet
Property Boundary		
a. Luminaires within 100 feet of residential (2)	20 feet	15 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 45 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.		

f. Measurement

1) 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.

2) 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.

Section 3. Codification. The ordinance shall be codified in the Code of Ordinances of the Village of Palm Springs, Florida.

Section 4. Repeal of Conflicting Ordinances. All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 5. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable,

void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption.

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"/>
DOUG GUNTHER, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, MAYOR PRO TEM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SERGIO ESCALADA, 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, the _____ day of _____, 2015.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

First Reading: _____

Second Reading: _____

ATTEST:

BY: _____
VIRGINIA M. WALTON, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY