

## **ARTICLE 8                    OUTDOOR LIGHTING**

### **8.1     PURPOSE AND INTENT.**

- (A)     Outdoor lighting is provided for a variety of purposes to the benefit of modern society. For work or recreation, it enables people to see essential detail in order that they may undertake their activities at night. It facilitates the safety or security of persons or property, for example through lighting of roads and pathways. It may be used to emphasize features of architectural or historical significance, and to light parks and gardens. It is used for advertising or display to promote products or services, or to call attention to commercial premises by means of area lighting or signs.
  
- (B)     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 and lighting systems are designed, constructed, and installed to maintain safety, security and productivity, reduce glare, and curtail the degradation of the nighttime visual environment in addition to promoting conservation of energy. It is the intent of these regulations that lighting unnecessary for safety or security be discouraged.

### **8.2     APPLICABILITY.**

- (A)     All outdoor lighting installed on public or private property shall comply with the outdoor lighting standards as contained in this article, unless exempted in Section 8.3.
  
- (B)     In the event of a conflict between the outdoor lighting standards as contained in this article and any other section of this ordinance, the more stringent requirement shall apply.

### **8.3     EXEMPTIONS.**

The following are exempt from the provisions of the outdoor lighting standards as contained in this article:

- (A)     All outdoor lighting lawfully installed prior to the effective date of the outdoor lighting standards contained in this article, except the replacement of mercury vapor luminaires. Mercury vapor luminaires must be replaced in conformity with the outdoor lighting standards upon the earlier occurrence of the replacement of the fixture or the lamp.
  
- (B)     Any outdoor lighting, excluding mercury vapor, used for an individual single-family residence, where the residence is constructed as of the effective date of the outdoor lighting standards contained in this article. However, lamps with directional adjustability (i.e. flood lights) shall be adjusted to comply with these standards. Mercury vapor luminaires used for outdoor lighting must be replaced in conformity with the outdoor lighting standards contained in this article upon the earlier occurrence of the replacement of the fixture or the lamp.
  
- (C)     Bona-fide agricultural uses.

- (D) Traffic control signals and devices.
- (E) Temporary emergency lighting (i.e. fire, police, repair workers, highway maintenance and construction, etc.).
- (F) Moving vehicle lights.
- (G) Navigation lights (i.e. airports, heliports, radio/television towers, telecommunication towers, etc.).
- (H) Holiday decorations using typical unshielded low-wattage incandescent lights, which are in place no longer than 60 days.
- (I) Security lights of any wattage that are controlled by a motion-sensor switch and are not aimed at neighboring properties, which do not remain on longer than 12 minutes after activation, and do not exceed 150 watts (2200 lumens).
- (J) Roadway lighting, installed as of the effective date of the outdoor lighting standards, as contained in this article, within state maintained rights-of-way provided that the standards of subsection 8.4 (E) and subsection 8.5 (I) are met, except for mercury vapor luminaires. Mercury vapor luminaires used for roadway lighting must be replaced in conformity with the outdoor lighting standards contained in this article upon the earlier occurrence of the replacement of the fixture or the lamp.
- (K) Monument (ground) electronic message boards located on 50 acres or more of property zoned I-U.

#### **8.4 SUBMITTAL REQUIREMENTS.**

A lighting plan shall be submitted with site plan and/or building plans. The plan shall contain the following information:

- (A) Plans, drawn to scale, showing the location, type, and height of outdoor luminaires including all building, pole and ground fixtures;
- (B) A description of the luminaires, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations and product specifications from the manufacturer;
- (C) Photometric data, such as that furnished by the manufacturer, showing the angle of light emission and lumen output; and
- (D) Additional information as may be required by the Zoning Administrator in order to determine compliance with this article.
- (E) Roadway lighting installed on state-maintained roads must meet ASSHTO requirements for light levels and uniformity. Roadway lighting submittal requirements can be obtained

in the NCDOT publication titled *Policies and Procedures for Accommodating Utilities on Highway Rights-of-Way*.

## **8.5 GENERAL STANDARDS FOR ALL AREAS.**

- (A) Unless otherwise specified, the maximum light level shall be 0.5 foot-candle at any residential property line and 1.0 foot-candle at any nonresidential property line.
- (B) All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical, or the front of the fixture is shielded such that no portion of the light bulb extends below the bottom edge of an external shield.
- (C) Any facilities that require floodlighting may not arrange the light in such a way that it will shine towards roadways, onto adjacent residential property or into the night sky.
- (D) All flood lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from the horizontal, or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
- (E) All wall pack fixtures shall be full cutoff fixtures.
- (F) All lights shall be shielded in such a way as to direct light towards the earth's surface and away from reflective surfaces, except as expressly exempted from the provisions of these regulations.
- (G) Any temporary outdoor lighting that conforms to the requirements of this section shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Zoning Administrator after considering: (1) the public and/or private benefits that will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (3) the duration of the temporary nonconforming lighting.
- (H) If any subdivision proposes to have installed street or other common or public area outdoor lighting, the provisions of the outdoor lighting standards as contained in this article shall be adhered to. The required lighting plan and associated documents shall be submitted and approved by the Zoning Administrator prior to installation of any regulated lighting.
- (I) If any street will be taken over by NCDOT for maintenance, roadway lighting must meet AASHTO requirements, and must be installed and maintained according to the NCDOT publication titled "*Policies and Procedures for Accommodating Utilities on Highway Rights-of-way*".
- (J) Any interior lighted signs may not be lit at night when the face of the sign is removed or damaged in such a way that the light may distract drivers or adjacent property owners.

**8.6 LIGHTING IN PARKING LOTS AND OUTDOOR AREAS.**

- (A) Other than floodlights and flood lamps, all outdoor area and parking lot lighting fixtures shall be full cutoff fixtures.
- (B) The mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed 30 feet above finished grade.
- (C) Any light fixture must be placed in such a manner that no lamp surface is visible from any residential area or public/private roadway.

**8.7 LIGHTING FOR VEHICULAR CANOPIES.**

Areas under a vehicular canopy shall have a maximum point of horizontal illuminance of 24 maintained foot-candles (fc). Areas outside the vehicular canopy shall be regulated by Section 8.5. Acceptable methods include one or more of the following:

- (A) Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.
- (B) Light fixture incorporating shields, or shielded by the edge of the vehicular canopy itself so that light is restrained to five degrees (5°) or more below the horizontal plane.
- (C) Surface mounted fixture incorporating a flat glass that provides a semi-cutoff fixture or shielded light distribution.
- (D) Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy. Such fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the vehicular canopy.

**8.8 OUTDOOR SPORTS FIELD/OUTDOOR PERFORMANCE AREA.**

- (A) All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices). The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.
- (B) The hours of operation for the lighting system for any game or event shall be no later than 11 pm, except to conclude a scheduled event that was in progress before 11 pm and circumstances prevented concluding before 11 pm.

**8.9 LIGHTING OF SIGNS AND FLAGS.**

- (A) Top-mounted fixtures are required for legally existing lighted signs. Lighting fixtures used to externally illuminate a sign shall be mounted on the top of the sign structure and direct all light down toward the sign. All such fixtures shall comply with the shielding requirements of this section.

- (B) Signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per sign shall not exceed 41 watts.
- (C) Top-mounted fixtures shall be required for the illumination of any flags. Lighting fixtures used to illuminate a flag shall be mounted on the top of the flagpole and direct all light down toward the flag. All such fixtures shall comply with the shielding requirements of this section.

**8.10 LIGHTING OF BUILDINGS AND LANDSCAPING.**

Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and away from adjoining properties, public or private rights-of-way, and the night sky.

**8.11 PROHIBITIONS.**

- (A) The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizon, is prohibited.
- (B) The operation of searchlights for advertising purposes is prohibited.
- (C) Electrical illumination of outdoor advertising off-site signs is prohibited.
- (D) Use of mercury vapor luminaires is prohibited.
- (E) Use of upward directed fixtures is prohibited.

**8.12 ENFORCEMENT OF REGULATIONS.**

Any form of outdoor lighting, whether temporary or permanent, erected or placed anywhere in the Village of Misenheimer after adoption of this Article that is not in compliance with the provisions of this Article shall be subject to the enforcement provisions outlined in Article 11 of this ordinance.

*Editor's Note: Section 8.3 was amended 2/13/17 to add item (K).*