



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #5
03/15/07

DATE: March 9, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review Division *RK*
 Ralph Wilson, Acting Zoning Supervisor *RW*
FROM: Greg Russ, Zoning Coordinator *GR*
 Mark Pfefferle, Planner Coordinator, County-wide Planning
 Robert Kronenberg, Acting Supervisor Site Plan Section *RK*
REVIEW TYPE: Zoning Text Amendments
PURPOSE: Bill 4-07 establishes standards for outdoor lighting in the
 County. ZTA 07-1 establishes zoning standards and
 procedures governing outdoor lighting consistent with Bill
 4-07

TEXT AMENDMENT: 07-01
BILL: 4-07
REVIEW BASIS: Advisory to the County Council sitting as the District
 Council, Chapter 59, the Zoning Ordinance and
 Chapters 2 and 29 of the County Code
INTRODUCED BY: Council President Praisner
INTRODUCED DATE: February 13, 2007

PLANNING BOARD REVIEW: March 15, 2007
PUBLIC HEARING: March 20, 2007, 1:30 PM

STAFF RECOMMENDATION: Transmit Comments to the County Council as follows:

- Outdoor Lighting standards are necessary for Montgomery County to address inefficient and improper lighting conditions. Staff agrees with the objectives of Bill 4-07 and Zoning Text Amendment 07-01
- However, Staff raises a number of issues with Bill 4-07 in its current form. These are discussed under the "General Recommendation/Comments" section of the staff report. Important issues raised by staff include:

-lumens vs. watts as a unit of measurement;

-lighting standards as they pertain to recreational facilities, safety and security of areas;

-what a full cut-off measure means and how it impacts public right-of-ways;

-requirement that a lighting plan be approved by the Director of Permitting Services before an applicant may apply for a special exception or site plan approval;

-exemption from Director's approval for certain lighting plans ; and

-compliance dates for existing lighting fixtures and systems that currently do not comply with the new legislation.

- Resolution of Staff's issues may require a working group of community lighting professionals to address the issues raised herein and others.

BACKGROUND

Outdoor Lighting standards are over due in Montgomery County. Currently, M-NCPPC requires site plan submissions to include "Landscape and Lighting" plans. These plans are judged against recommended practices and guidelines established by the Illuminating Engineering Society of North America (IESNA). Since lighting plans are limited to site plan and special exceptions there is a large universe of developments, both existing and new, that are not subject to lighting standards. The lighting bill levels the playing field and will require similar facilities to operate within an established lighting level.

In addition to establishing a County policy, an outdoor lighting bill will: permit reasonable uses of outdoor lighting for night-time safety and security; commerce; conserve energy and resources; minimize adverse offsite impacts including glare, and light trespass; curtail light pollution and reverse the degradation of the nighttime environment and help preserve the dark night sky for astronomy and enjoyment.

PURPOSE OF THE TEXT AMENDMENT AND BILL

Problems, Overall Goals and Objectives

The existing problem stems from the excessive, inefficient, improperly aimed and poorly shielded outdoor lighting that harms the public health and welfare. The goals and objectives of the proposed legislation are to: reduce these negative impacts to the nighttime visual environment; enhance the use and enjoyment of property; avoid safety hazards relating to glare; and save energy.

Specific Description of the Bill and ZTA

Bill 4-07:

1. establishes outdoor lighting standards relating to shielding, aiming, efficacy, color rendition, power density, illuminance, controls, and off-site spill;
2. requires a person to obtain approval of a lighting plan from the Department of Permitting Services (DPS) before applying to the Planning Board for site plan approval or to the Board of Appeals for a special exception;
3. requires applicants for certain types of building permits, electrical permits, and use and occupancy permits to submit a lighting plan to the DPS for approval;
4. creates certain exemptions;
5. authorizes the Director of DPS to grant certain types of modifications;
6. establishes certain penalties; and
7. establishes a compliance deadline for existing outdoor lighting.

ZTA 07-01:

The ZTA amends the Zoning Ordinance to make standards and procedures governing outdoor lighting consistent with the proposed new County Light Control Law (Chapter 29B); and requires non-conforming lighting to comply with the County Light Control Law by a certain date.

ANALYSIS

The analysis below discusses some of the major points of the legislation.

BILL 4-07: DEFINITIONS

Below are questions/suggestions concerning the proposed definitions.

(Line 53 of the bill) Lighting Professional (1) Most professional engineers will not stamp a lighting plan that is prepared by a consultant. What are they approving/sealing? (Conduit, electrical functions, or the general lighting layout) (2) How do we know who is licensed? Should plans submitted for approval be reviewed by nonqualified professionals?

(Line 75 of the bill) Outdoor light fixture. The definition needs to include landscaping areas and entryways as places that are illuminated by light fixtures. Should this definition include temporary and portable lights? It is nearly impossible to assess whether a fixture has a negative impact on a property if the lights can be moved or relocated.

Suggested definitions that need to be added include: “Glare”, “Photometric Study”, “Uplighting”, “Wall Packs”, and “Bollards”.

BILL 4-07: ESTABLISHING OUTDOOR LIGHTING STANDARDS; Shielding and aiming

The legislation requires that outdoor light fixtures with a total light output greater than 2,000 lumens (unit used to measure the amount of light emitted from a light source) must be full cut-off fixtures and installed and maintained level, without any upward or sideward tilt unless necessary to prevent off-site spill. Outdoor light fixtures with a total light output of 2,000 lumens or less are not required to have full cut-off fixtures. However, fixtures that are not full cut-off must have a downward aim that does not exceed 45 degrees from vertical.

General Recommendations/Comments

1. There needs to be some other measurement than lumens to trigger the standards. Most people do not understand lumens. Staff recommends using wattage instead of lumens. Light fixtures do not typically have lumens stamped on them they have wattage. Using lumens is too confusing for the consumer, especially 29B-5(a)(1)(A) requires any outdoor light fixture greater than 2000 lumens to be full-cut off and fixtures less than 2000 lumens not exceed 45 degrees from the vertical.
2. Section 29B-5(a) requires “an outdoor light fixture with a total light output greater than 2,000 lumens... be a full cut-off fixture and installed and maintained level without any upward or sideward tilt unless necessary to prevent off-site spill”. This is unworkable for outdoor recreational fields and is contrary to IESNA recommended practices, which state, “When sports fields are located adjacent to residential communities, the overall brightness should be carefully controlled. Poles should be at least 21.3 meters (70 ft.) high for aerial sports such as baseball or softball. Facade lights should not be aimed above 62 degrees (two times the mounting height) from nadir, and should use internal louvers and external shields to help minimize light pollution”. The bill as written will make it difficult to get good lighting for sporting events in parks, schools, and any outside athletic court.
3. There is a problem with determining whether a fixture or lighting system is full cut off, specifically the colonial style light fixtures. Some

manufacturers can accommodate one of these fixtures and state that it is full cut off, but it decreases the efficacy of the light and may have an impact on safety and security of the area. Another example is the Washington Globe that is used throughout the CBDs. Will these be non-conforming? If so, will the County be retrofitting the lights in Silver Spring, Wheaton, Bethesda, Garrett Park, Friendship Heights and White Flint.

BILL 4-07: ESTABLISHING OUTDOOR LIGHTING STANDARDS; Controls

The proposed bill (Section 29B-5(g)) requires that an outdoor light fixture be turned off during day light hours. The County Executive may adopt regulations based on the criteria listed in the bill that require an outdoor light fixture or outdoor lighting system to automatically turn off or lower at specified times, be controlled by a motion sensor; or use any other control that the County Executive finds necessary to serve the lighting policy.

General Recommendations/Comments

This can be perceived to penalize a homeowner that forgets to turn off a light when they leave in the morning, but more importantly it would prevent lighting during daylight hours used for daylight adaptation such as parking garage entries, tunnels and underpasses, and other similar applications. We suggest revising the language to be more specific such as "an outdoor light fixture" on a public or private road or in a public space. The issue of timing would need to be included in this language since most lights are turned on toward dusk.

BILL 4-07: ESTABLISHING OUTDOOR LIGHTING STANDARDS; Off-site spill

The County Executive must adopt regulations that set limits on off-site spill from an outdoor lighting system

General Recommendations/Comments

Their needs to be specific limits for off-site spill established as part of the law. This could be a 0.5-foot candle at any residential property line or county right-of-way. It also needs to be pointed out that any readings for footcandles or spillover for properties abutting county rights-of-way will be significantly distorted when lights in the right-of-way are included in the photometric study.

BILL 4-07: ESTABLISHING OUTDOOR LIGHTING STANDARDS; More stringent zoning requirements.

If Chapter 59 establishes a lighting standard that is more stringent than a standard established under this Section, an outdoor lighting system must comply with the standard established in Chapter 59.

General Recommendations/Comments

This language is consistent with existing policies and therefore is acceptable.

BILL 4-07: SITE PLANS AND SPECIAL EXCEPTIONS;

Proposed Section 29B-6 (a) and (b) states that a person must obtain approval of a lighting plan by the Director of DPS before applying to the Planning Board for site plan approval or before applying to the Board of Appeals for a special exception. The exception to this would be if the combined total light output of the outdoor lighting system for the building, structure, or area that is the subject of the application is less than 7000 lumens.

Under Section 29B-6(f), if the Director of DPS finds that a lighting plan for a site plan or special exception complies with this Chapter, the Director must approve the lighting plan subject to approval by the Planning Board or Board of Appeals. The Director must also issue a written approval clearly indicating that approval of the lighting plan by the Planning Board or Board of Appeals is a condition of the Director's approval. In essence, approval would be conditioned to the final approval of the site plan or special exception. If the Planning Board or Board of Appeals requires that a lighting plan approved by the Director be changed before approving a site plan or special exception, the applicant would be required to submit a lighting plan amendment to DPS.

General Recommendations/Comments

1. This section requires that a person must first obtain DPS's approval of the lighting plan prior to the submission of a site plan. This is modeled somewhat after the stormwater management concept approval. Under DPS stormwater management concept approval, applicants first submit a concept plan at time of preliminary plan of subdivision. DPS approves the concept prior to Planning Board approval of the preliminary plan subdivision. If a site plan is required the applicant submits a copy of the approved concept with the site plan submission. M-NCPPC staff recommends a similar process for development applications. Applicants should submit lighting plans to DPS concurrently with the submission of a preliminary plan of subdivision and not have the plan approved prior to submission. Plans submitted for site plan approval are often changed for a variety of reasons. There may be inconsistency during this process. For example will DPS know what to review in terms of impacts to adjacent properties and what happens when M-NCPPC recommends changes to the plan? Does the plan go back to DPS for review and approval?

Staff recommends the proposed bill require a lighting plan at time of subdivision. This would require additional parking lots, private driveways and roadways to submit a lighting plan for approval during the subdivision process and not by the time the building permit is issued.

2. Section 29B-6(f).

The Planning Board approves site plans and makes recommendations on Special Exceptions. Conditional approval of special exception lighting plans may be changed by the Board of Appeals based upon community opposition. The plan would technically need to return to DPS, and possibly M-NCPPC, for approval, then routed back to the Board of Appeals for a second round. This process appears confusing.

BILL 4-07: CONTENTS OF A LIGHTING PLAN: (29B-6(e))

If the combined total light output of the outdoor lighting system for the building, structure, or area that is the subject of the application is 14,000 lumens or less, a lighting plan must include: the number and type of outdoor light fixtures; a diagram showing the location and height of each outdoor light fixture; the manufacturer's specifications for each outdoor light fixture; and any other information that the Director finds necessary to determine whether a lighting plan complies with Chapter 29B. If the total number of lumens is greater than 14,000, then a lighting plan also must be certified by a lighting professional. Also, when the lumens are greater than 14,000, the size, the efficacy and power density of the outdoor lighting system, and the level of illuminance and off-site spill for the illuminated building, structure, or area must be provided.

General Recommendations/Comments

Plans should not be measured in terms of lumens. Either way under contents of the plan, staff will need to review the plan to determine whether a lighting plan meets all of the criteria. The requirement should be the same for (e) (1) and (e) (2) with the primary difference being the certification by a licensed engineer for the project with lumens greater than 14,000.

BILL 4-07: EXEMPTIONS (29B-7)

The Bill proposes that lighting be exempt from Chapter 29B if: the total light output of the system is 7,000 lumens or less; emergency lighting is used by or at the direction of police, fire protection, medical personnel, or correctional officers; the outdoor lighting system is used to illuminate an airport or correctional facility; or the outdoor lighting system is exempted in regulations.

General Recommendations/Comments

The lighting bill as written does not have a sufficient number of exemptions. There should be specific exemptions for seasonal lighting displays, night-time paving operations, etc.

BILL 4-07: MODIFICATIONS (29B-8)

The Director of DPS will be allowed to modify a requirement of Chapter 29B if the applicant shows that compliance would be impractical and unduly burdensome; the public interest would be served by the modification; the modification is consistent with the intent of this Chapter; and the modification would not cause excessive glare or off-site spill on adjacent property or the surrounding area.

The Director may allow an applicant to modify a requirement of this Chapter for up to 30 days without holding a public hearing. Any time period longer than 30 days would require a public hearing.

General Recommendations/Comments

The process for modifications is unclear. If DPS approves a modification to the Lighting Plan after the Site Plan approval, will the site plan amendment be approved at a staff level or will an amendment be required to go back to the Planning Board for a minor change? (i.e. moving a light pole to avoid conflict with an electrical box or vault)

BILL 4-07: COMPLAINTS (29B-10)

General Recommendations/Comments

What happens if the Applicant cannot physically change or alter the light fixture after a legitimate complaint is made? In many cases the corrective action will entail an amendment to the plan. We recommend that language be included specifying what the next step is for alternative corrective actions when this is the case.

BILL 4-07: APPEALS (29B-12)

The proposed bill would permit a person aggrieved by a final decision of the Director regarding a lighting plan under Section 29B-6 or a modification under Section 29B-8 to appeal the decision to the Board of Appeals.

General Recommendations/Comments

Sections B-6 and B-8 are not specifically tied to special exceptions, building permits, or electrical permits. Site plans are included in this list. We have concerns with the Board of Appeals handling site plan appeals.

BILL 4-07: REGULATIONS (29B-13)

Regulations must be adopted by the County Executive to administer Chapter 29B. The regulations will include: standards for shielding, aiming, efficacy, color rendition, power density, illuminance, luminance, controls, and off-site spill; standards for the design, content, size, and location of the sign that must be posted by an applicant before a public hearing on a modification; exemption provisions for outdoor lighting systems; fees sufficient to offset the cost of administering this Chapter; and identifying equipment and techniques that must be used to measure compliance.

BILL 4-07 & ZTA 07-01: APPLICABILITY

Any application filed on or after January 1, 2008 will be required to adhere to the requirements of Chapter 29B. Any outdoor light fixture or outdoor lighting system lawfully installed before and operable on January 1, 2008 that does not comply with Chapter 29B, must be brought into compliance by January 1, 2013.

General Recommendations/Comments

The law is applicable to both public and private entities including lighting for public and private streets, pedestrian walkways and sidewalks, schools, outdoor recreational areas and has a 5 year time line for compliance. Undoubtedly there will be energy efficiencies for converting non-conforming lighting fixtures into full cut-off fixtures. But there will need to be a detailed cost estimate performed to determine and highlight the capital costs that will be necessary for both the public and private sector to comply with the bill. Additional funding will be need to DPWT, MCPS, and M-NCPPC to comply with the requirements in the 5-year time frame established by the legislation. Further, a site plan amendment or special exception modification will need to be processed for each of the cases that are non-conforming.

ZTA 07-01

As previously stated, the ZTA would establish that any lighting plan requirement within the Zoning Ordinance also require compliance with Chapter 29B. In addition, if the lighting is exempt from Section 29B-6 (total light output of the outdoor lighting system is less than 7000 lumens, for example), information (in the form of a diagram or drawing) must be provided with the site plan or special exception that shows how the lighting complies with Chapter 29B.

RECOMMENDATION

Staff believes that outdoor lighting legislation is necessary for Montgomery County to address inefficient and improper lighting conditions. Staff agrees with the objectives of Bill 4-07 and Zoning Text Amendment 07-01. Staff raises a number of issues with Bill 4-07 in its current form. These concerns are highlighted in the "General Recommendation/Comments" section of the staff report. In summary, staff recommends that a working group be established that includes community lighting professionals to address the issues raised herein and others.

Attachments

1. Bill 4-07
2. Zoning Text Amendment No. 07-01

ATTACHMENT 1

Bill No. 4-07
Concerning: Outdoor Lighting
Standards – Established
Revised: 02-09-07 Draft No. 5
Introduced: February 13, 2007
Expires: August 13, 2008
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President Praisner

AN ACT to:

- (1) establish outdoor lighting standards, including standards relating to shielding, aiming, efficacy, color rendition, power density, illuminance, luminance, controls, and off-site spill;
- (2) require a person to obtain approval of a lighting plan from the Department of Permitting Services before applying to the Planning Board for site plan approval or to the Board of Appeals for a special exception;
- (3) require applicants for certain types of building permits, electrical permits, and use and occupancy permits to submit a lighting plan to the Department of Permitting Services for approval;
- (4) create certain exemptions;
- (5) authorize the Director of the Department of Permitting Services to grant certain types of modifications;
- (6) establish certain penalties;
- (7) establish a compliance deadline for existing outdoor lighting; and
- (8) generally amend the law relating to outdoor lighting in the County.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-112

By adding

Montgomery County Code
Chapter 29B, Light Control

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 2-112 is amended as follows:**

2 **2-112. Jurisdiction.**

3 * * *

4 (c) The Board has the following appellate jurisdiction.

5 * * *

6 Section 29B-12 County light control law

7 * * *

8 **Sec. 2. Chapter 29B, Light Control is added as follows:**

9 **Chapter 29B, Light Control**

10 **29B-1. Short Title.**

11 This Chapter may be cited as the Montgomery County Light Control Law

12 **29B-2. Policy.**

13 This Chapter is intended to reduce excessive, inefficient, improperly aimed,
14 and poorly shielded outdoor light that harms the public health and welfare
15 by degrading the nighttime visual environment, impairing the use and
16 enjoyment of property, creating safety hazards relating to glare, and wasting
17 energy.

18 **29B-3. Definitions.**

19 In this Chapter, the following words have the meanings indicated.

20 “**Building**” has the meaning stated in Section 59-A-2.1.

21 “**Building permit**” means a building permit issued by the Department under
22 Chapter 8.

23 “**Candela**” means a standard unit of light intensity in a specific direction,
24 equal to 1 lumen per steradian.

25 “**Color rendering index**” means a method for describing the effect of a light
26 source on the color appearance of objects compared to a reference light of
27 the same color temperature.

28 “Department” means the Department of Permitting Services.

29 “Director” means the Director of the Department of Permitting Services or
30 the Director’s designee.

31 “Efficacy” means the amount of lumens produced by a lamp or light source
32 per unit of power, expressed in lumens per watt.

33 “Electrical equipment” has the meaning stated in Section 17-11.

34 “Electrical permit” means an electrical permit issued by the Department
35 under Chapter 17.

36 “Enforcement officer” means a person authorized under Section 29B-9 to
37 enforce this Chapter.

38 “Footcandle” means a unit of illuminance equal to 1 lumen per square foot.
39 This is the illuminance provided by a light source of 1 candela at a distance
40 of 1 foot.

41 “Full-cutoff” or “full-cutoff light fixture” means a light fixture that is
42 designed to block the amount of light emitted from the fixture at certain
43 angles in compliance with the IESNA “full-cutoff” or “full cut-off light
44 fixture” standard or another equivalent standard identified in regulations.

45 “IECC” means the version of the International Energy Conservation Code
46 adopted by the County under Section 8-13.

47 “IESNA” means the Illuminating Engineering Society of North America.

48 “Illuminance” means the amount of light falling on a unit area of surface
49 (luminous flux per unit area), measured in footcandles.

50 “Initial light output” means the amount of light emitted by an outdoor light
51 fixture when it is new, as identified in the manufacturer’s specifications.

52 “Lighting plan” means a lighting plan required by Section 29B-6.

53 “Lighting professional” means:

- 54 (1) a professional engineer who is licensed by the State; or

55 (2) an individual who has successfully completed the lighting
56 certification exam conducted by the National Council on
57 Qualifications for the Lighting Profession or an equivalent
58 exam identified in regulations.

59 “Luminance” means the amount of light emitted by an outdoor light fixture
60 or reflected by a surface, measured in candelas per square foot.

61 “Low wattage fluorescent light” means a fluorescent light of 25 watts or
62 less.

63 “Low wattage incandescent light” means a halogen light of 75 watts or less
64 or a non-halogen incandescent light of 100 watts or less.

65 “Lumen” means 1 unit of luminous flux. This unit is used to measure the
66 amount of light emitted from a light source. One lumen is equal to the
67 amount of light emitted by a light source of 1 spherical candela that falls on
68 a 1 square-foot surface located 1 foot away.

69 “Luminaire” means a complete lighting assembly, including any lamp,
70 housing, reflector, lens, or shield.

71 “Off-site spill” means light that falls beyond the boundary of the property
72 on which a light fixture is located.

73 “Outdoor display area” means an area where products or services are sold
74 or displayed.

75 “Outdoor light fixture” means any permanent, temporary, or portable
76 luminaire used outdoors, including any light fixture used to illuminate:

- 77 (1) a building or structure;
- 78 (2) a driveway;
- 79 (3) a parking facility;
- 80 (4) an outdoor display area;
- 81 (5) an outdoor performance area;

82 (6) a recreational area or facility;

83 (7) a road;

84 (8) a sidewalk or path;

85 (9) a sign; or

86 (10) a yard, park, or landscape.

87 “Outdoor lighting system” means the outdoor light fixture or outdoor light
88 fixtures, and any accompanying accessories, used to illuminate a particular
89 building, structure, or area.

90 “Parking facility” has the meaning stated in Section 59-A-2.1.

91 “Planning Board” means the Montgomery County Planning Board of the
92 Maryland-National Capital Park and Planning Commission.

93 “Planning Director” means the Director of the Montgomery County
94 Department of Planning.

95 “Power density” means the amount of electricity used to generate light per
96 unit of area, expressed in watts per square feet.

97 “Recreational area or facility” means an outdoor building, structure, or area
98 designed for active recreation, whether publicly or privately owned,
99 including a baseball diamond, basketball court, soccer field, football field,
100 golf course, tennis court, swimming pool, or other area or facility identified
101 in regulations.

102 “Sign” has the meaning stated in Section 59-A-2.1.

103 “Site plan” means a site plan or amendment to a site plan approved by the
104 Planning Board under Division 59-D-3.

105 “Special exception” means a special exception or amendment to a special
106 exception approved by the Board of Appeals under Division 59-G.

107 “Structure” has the meaning stated in Section 59-A-2.1

108 “Total light output” means the total initial light output, measured in lumens,
109 of an outdoor lighting system.

110 **29B-4. Scope.**

111 This Chapter applies to all outdoor light fixtures and outdoor lighting
112 systems in the County, except when a different requirement or standard is
113 expressly required by State law.

114 **29B-5. Standards.**

115 (a) Shielding and aiming.

116 (1) An outdoor light fixture with a total light output greater than
117 2,000 lumens must:

118 (A) be a full cut-off fixture and installed and maintained
119 level, without any upward or sideward tilt unless
120 necessary to prevent off-site spill; and

121 (B) comply with any other shielding or aiming requirement
122 specified in regulations.

123 (2) An outdoor light fixture with a total light output of 2,000
124 lumens or less that is not a full cut-off fixture must:

125 (A) have a downward aim that does not exceed 45 degrees
126 from vertical; and

127 (B) comply with any other shielding or aiming requirement
128 specified in regulations.

129 (b) Efficacy. An outdoor light fixture must have an efficacy equal to the
130 greater of:

131 (1) 60 lumens per watt;

132 (2) the efficacy required by the IECC, if applicable; or

133 (3) the efficacy established in regulations based on nationally
134 recognized standards or best practices.

135 (c) Color rendition. An outdoor light fixture must have a color rendering
 136 index of at least 20.

137 (d) Power density. An outdoor lighting system must have a power density
 138 equal to the lesser of the power density:

139 (1) required by the IECC, if applicable; or

140 (2) established in regulations based on nationally recognized
 141 standards or best practices.

142 (e) Illuminance.

143 (1) The County Executive must adopt regulations that set
 144 illuminance standards for:

145 (A) buildings;

146 (B) driveways;

147 (C) parking facilities;

148 (D) recreational areas and facilities;

149 (E) roads;

150 (F) sidewalks and paths;

151 (G) signs;

152 (H) outdoor display areas;

153 (I) outdoor performance areas;

154 (J) yards, parks, and landscapes; and

155 (K) any other particular type of building, structure, or area, if
 156 the County Executive finds that an illuminance standard
 157 would further the policy described in Section 29B-2.

158 (2) The illuminance standards set by regulation must be based on:

159 (A) the use of the building, structure, or area that is
 160 illuminated;

161 (B) IESNA recommended practices;

- 162 (C) other nationally recognized standards or best practices;
163 and
- 164 (D) any other criteria identified in regulations that would
165 further the policy described in Section 29B-2.
- 166 (f) Luminance. The County Executive must adopt regulations that set
167 limits on luminance for signs and building facades based on IESNA
168 recommended practices and other nationally recognized standards and
169 best practices.
- 170 (g) Controls.
- 171 (1) An outdoor light fixture must be turned off during day light
172 hours.
- 173 (2) The County Executive may adopt regulations based on the
174 criteria listed in subsection (i) that require an outdoor light
175 fixture outdoor lighting system to:
- 176 (A) automatically turn off at specified times;
177 (B) automatically lower lighting levels at specified times;
178 (C) be controlled by a motion sensor; or
179 (D) use any other control that the County Executive finds
180 necessary to serve the policy described in Section 29B-2.
- 181 (h) Off-site spill. The County Executive must adopt regulations based on
182 the criteria listed in subsection (g) that set limits on off-site spill from
183 an outdoor lighting system.
- 184 (i) Regulations. Regulations adopted under subsection (f) regarding
185 lighting controls or subsection (g) regarding off-site spill must be
186 based on:
- 187 (1) the use of the building, structure, or area that is illuminated;
188 (2) the level of ambient brightness in the surrounding area;

- 189 (3) IESNA recommended practices;
190 (4) other nationally recognized standards or best practices; and
191 (5) any other relevant criteria identified in regulations that would
192 further the policy described in Section 29B-2.

193 (i) More stringent zoning requirements. If Chapter 59 establishes a
194 lighting standard that is more stringent than a standard established
195 under this Section, an outdoor lighting system must comply with the
196 standard established in Chapter 59.

197 **29B-6. Site plans, special exceptions, building permits, use and occupancy**
198 **permits, and electrical permits; lighting plans.**

199 (a) Site plans. Except as provided in subsection (d), a person must obtain
200 the Director's approval of a lighting plan before applying to the
201 Planning Board for site plan approval under Division 59-D-3.

202 (b) Special exceptions. Except as provided in subsection (d), a person
203 must obtain the Director's approval of a lighting plan before applying
204 to the Board of Appeals for a special exception under Division 59-G-
205 1.

206 (c) Permits. A person must obtain the Director's approval of a lighting
207 plan before the Director issues any of the following permits:

208 (1) a building permit for a building or structure that includes an
209 outdoor lighting system;

210 (2) a use and occupancy permit for a building or structure that
211 includes an outdoor lighting system; and

212 (3) an electrical permit for electrical equipment that includes an
213 outdoor lighting system.

214 (d) Exemption. A person need not obtain the Director's approval of a
215 lighting plan before applying to the Planning Board for site plan

216 approval or the Board of Appeals for a special exception if the
217 combined total light output of the outdoor lighting system for the
218 building, structure, or area that is the subject of the application is less
219 than 7000 lumens.

220 (e) Contents of lighting plan.

221 (1) If the combined total light output of the outdoor lighting system
222 for the building, structure, or area that is the subject of the
223 application is 14,000 lumens or less, a lighting plan must
224 include:

225 (A) the number and type of outdoor light fixtures;

226 (B) a diagram showing the location and height of each
227 outdoor light fixture;

228 (C) the manufacturer's specifications for each outdoor light
229 fixture; and

230 (D) any other information that that the Director finds
231 necessary to determine whether a lighting plan complies
232 with this Chapter.

233 (2) If the combined total light output of the outdoor lighting system
234 for the building, structure, or area that is the subject of the
235 application is greater than 14,000 lumens, a lighting plan must
236 be certified by a lighting professional and include:

237 (A) the number and type of outdoor light fixtures;

238 (B) a diagram showing the location and height of each
239 outdoor light fixture;

240 (C) the manufacturer's specifications for each outdoor light
241 fixture

242 (D) the size of each illuminated building, structure, or area;

243 (E) for each illuminated building, structure, or area, the
244 efficacy and power density of the outdoor lighting
245 system;

246 (F) for each illuminated building, structure, or area, the level
247 of illuminance and off-site spill; and

248 (G) any other information that that the Director finds
249 necessary to determine whether a lighting plan complies
250 with this Chapter.

251 (f) Conditional approval of lighting plan. If the Director finds that a
252 lighting plan for a site plan or special exception complies with this
253 Chapter, the Director must:

254 (1) approve the lighting plan subject to approval by the
255 Planning Board or Board of Appeals; and

256 (2) issue a written approval clearly indicating that approval
257 of the lighting plan by the Planning Board or Board of
258 Appeals is a condition of the Director's approval.

259 (g) Lighting plan amendments. If the Planning Board or Board of Appeals
260 requires that a lighting plan approved by the Director be changed
261 before approving a site plan or special exception, the applicant must
262 obtain the Director's approval of a lighting plan amendment that
263 implements the required change before the Planning Board or Board
264 of Appeals approves the site plan or special exception.

265 (h) Condition of permits. The Department must require compliance with
266 this Chapter as a condition of any building permit, use and occupancy
267 permit, or electrical permit.

268 **29B-7. Exemptions.**

269 The following types of lighting are exempt from the requirements of
 270 this Chapter:

- 271 (1) an outdoor lighting system that consists solely of low wattage
 272 incandescent lights or low wattage fluorescent lights if the total
 273 light output of the system is 7,000 lumens or less;
 274 (2) an emergency light used by or at the direction of police, fire
 275 protection, medical personnel, or correctional officers;
 276 (3) an outdoor lighting system used to illuminate an airport or
 277 correctional facility; and
 278 (4) any other outdoor lighting system exempted in regulations.

279 **29B-8. Modifications.**

280 (a) Authorized. The Director may allow an applicant to modify a
 281 requirement of this Chapter if the applicant shows that:

- 282 (1) compliance would be impractical and unduly burdensome;
 283 (2) the public interest would be served by the modification;
 284 (3) the modification is consistent with the intent of this Chapter;
 285 and
 286 (4) the modification would not cause excessive glare or off-site
 287 spill on adjacent property or the surrounding area.

288 (b) 30 days or less.

- 289 (1) The Director may allow an applicant to modify a requirement of
 290 this Chapter for up to 30 days without holding a public hearing.
 291 (2) The Director must not renew a modification granted under this
 292 subsection.

293 (c) More than 30 days. The Director may allow an applicant to modify a
 294 requirement of this Chapter for longer than 30 days only after

295 providing notice as required by subsection (d) and holding a public
296 hearing as required by subsection (e).

297 (d) Notice.

298 (1) Within 10 days after the Director receives an application for a
299 modification, the Director must mail written notice of the
300 application to adjacent property owners and, in the Director's
301 discretion, any other interested person.

302 (2) The written notice must contain:

303 (A) the name of the applicant, the case number, and the date,
304 time, and place of the hearing;

305 (B) a description of the requested modification;

306 (C) a statement indicating that the complete application is
307 available for inspection at the Department;

308 (D) the address, telephone number, and business hours of the
309 Department; and

310 (E) an explanation of any requirements for written or oral
311 testimony at the hearing.

312 (e) Hearing.

313 (1) The Director must hold a hearing on a modification application
314 no sooner than 30 days after mailing the notice required by
315 subsection (d).

316 (2) If the Director finds that an emergency poses an immediate
317 threat to the public health, safety, or interest, the Director may
318 reduce the notice period required by paragraph (1).

319 (3) The Director must issue a decision within 30 days after:

320 (A) the hearing; or

321 (B) if the Director holds the record open after the hearing, the
 322 close of the record.

323 (f) Signs. At least 30 days before the hearing, and for 30 days after the
 324 Director issues a decision on the application, the applicant must
 325 provide notice of the hearing by posting a conspicuous sign that
 326 conforms to design, content, size, and location requirements set by
 327 regulation.

328 (g) Conditions. If the Director allows a modification, the Director must
 329 require the applicant to use the best technology and strategy
 330 reasonably available to mitigate the adverse affects of any outdoor
 331 lighting system that does not comply with this Chapter.

332 **29B-9. Enforcement authority.**

333 (a) Generally. The Director must enforce this Chapter.

334 (b) Concurrent authority. The County Executive may delegate concurrent
 335 authority to enforce this Chapter to the Police Department, any other
 336 Executive department, or any applicable municipal agency in any
 337 municipality in which this Chapter applies.

338 **29B-10. Complaints.**

339 (a) Written complaint. Any person may file a written complaint with the
 340 Department alleging that an outdoor lighting system does not comply
 341 with this Chapter.

342 (b) Contents. A complaint must be in writing and contain:

343 (1) the name and address of the complainant;

344 (2) the address and, if known, the name of the owner of the
 345 building, structure, or area that allegedly does not comply with
 346 this Chapter; and

347 (3) a description of the alleged violation.

- 348 (c) Inspection. Within 30 days after receiving a complaint, the
349 Department must inspect the building, structure, or area to determine
350 the validity of the complaint.
- 351 (d) Notice of violation and corrective order.
- 352 (1) If the Department finds that a building, structure, or area does
353 not comply with this Chapter, the Department must issue a
354 notice of violation and corrective order.
- 355 (2) The notice of violation must identify the Section of this Chapter
356 that has been violated and the date, nature, and extent of the
357 violation.
- 358 (3) The corrective order must describe the action required to
359 correct the violation and direct the owner to correct the
360 violation within a specified period.
- 361 (e) Notice to complainant. Within 14 days after inspection, the Director
362 must mail the results of the inspection to the complainant, including a
363 copy of any notice of violation and corrective order.
- 364 (f) Re-inspection. When the time to correct a violation ends, the
365 Department must re-inspect the building, structure, or area to
366 determine whether the violation has been corrected.
- 367 (g) Additional authority. The authority granted by this Section is in
368 addition to any authority granted to the Director under Chapter 8
369 regarding building permits and use and occupancy permits, Chapter
370 17 regarding electrical permits, or Division 59-G-1 regarding special
371 exceptions.

372 **29B-11. Penalties and injunctive relief.**

- 373 (a) Penalties. A violation of this Chapter is a Class A civil violation.
374 Each day a violation continues is a separate offense.

375 **(b)** Injunctive relief. The Department may seek injunctive or other
 376 appropriate judicial relief to stop or prevent any continuing violation
 377 of this Chapter.

378 **29B-12. Appeals.**

379 A person aggrieved by a final decision of the Director regarding a lighting
 380 plan under Section 29B-6 or a modification under Section 29B-8 may appeal
 381 the decision to the Board of Appeals, under the procedures specified in
 382 Section 2-113, within 30 days after the Director issues the decision.

383 **29B-13. Regulations**

384 The County Executive must adopt regulations under method (2) as necessary
 385 to administer this Chapter. Those regulations must:

386 **(a)** set standards for shielding, aiming, efficacy, color rendition, power
 387 density, illuminance, luminance, controls, and off-site spill that are
 388 consistent with Section 29B-5;

389 **(b)** identify any outdoor lighting system that is exempt from this Chapter
 390 under Section 29B-7, in addition to those that are listed in Section
 391 29B-7;

392 **(c)** set standards for the design, content, size, and location of the sign that
 393 must be posted by an applicant before a public hearing on a
 394 modification under Section 29B-8;

395 **(d)** set fees sufficient to offset the cost of administering this Chapter; and

396 **(e)** identify equipment and techniques that must be used to measure
 397 compliance.

398 **Sec. 3. Applicability; initial regulations.**

399 **(a)** Chapter 29B, as added by this Act, applies to any building permit, use
 400 and occupancy permit, electrical permit, special exception, or site plan
 401 for which an application is filed on or after January 1, 2008.

- 402 (b) Any outdoor light fixture or outdoor lighting system lawfully installed
403 before and operable on January 1, 2008 that does not comply with
404 Chapter 29B, as added by this Act, must be brought into compliance
405 by January 1, 2013.
- 406 (c) By September 15, 2007, the County Executive must adopt, and submit
407 to the Council under County Code Section 2A-15, regulations that
408 meet the requirements of Section 29B-13, as added by this Act.

409 *Approved:*

410

411

Marilyn Praisner, President, County Council

Date

412 *Approved:*

413

414

Isiah Leggett, County Executive

Date

415 *This is a correct copy of Council action.*

416

417

Linda M. Lauer, Clerk of the Council

Date

ATTACHMENT 2

Zoning Text Amendment No: 07-01
Concerning: Outdoor Lighting Standards
Draft No. & Date: 4 – 2/6/07
Introduced: February 13, 2007
Public Hearing: March 20, 2007; 1:30 p.m.
Adopted:
Effective:
Ordinance No:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN MONTGOMERY COUNTY, MARYLAND

By: Council President Praisner and Councilmember Trachtenberg

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- make standards and procedures governing outdoor lighting consistent with the County Light Control Law;
- require non-conforming lighting to comply with the County Light Control Law by a certain date; and
- generally amend provisions relating to outdoor lighting.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-A-4	“County Board of Appeals”
Section 59-A-4.22	“Data to accompany petition for special exception”
DIVISION 59-C-2	“Residential Zoning, Multiple-Family”
Section 59-C-2.23	“R-H zone-lighting”
DIVISION 59-C-4	“Commercial Zones”
Section 59-C-4.367	“Special regulations applicable to designated automobile-related users”
Section 59-C-4.397	“Off-street parking”
DIVISION 59-C-5	“Industrial Zones”
Section 59-C-5.473	“Development standards”
DIVISION 59-C-7	“Planned Unit Development Zones”
Section 59-C-7.27	“Utilities”
Section 59-C-7.57	“Public facilities and utilities”
DIVISION 59-C-9	“Agricultural Zones”
Section 59-C-9.31	“Equestrian facility standards as permitted use in the agricultural zones”
DIVISION 59-C-11	“Mixed-Use Town Center Zone (MXTC)”
Section 59-C-11.3.1	“Site plan approval”
DIVISION 59-C-12	“Mineral Resources Recovery Zone”
Section 59-C-12.6	“Special regulations”

DIVISION 59-C-18	“Overlay Zones”
Section 59-C-18.104	“Site plan contents and exemptions”
Section 59-C-18.124	“Site plan contents and exemptions”
Section 59-C-18.184	“Site plan contents and exemptions”
Section 59-C-18.232	“Regulations”
DIVISION 59-D-3	“Site Plans”
Section 59-D-3.23	“Proposed development”
Section 59-D-3.4	“Action by Planning Board”
DIVISION 59-E-2	“Plans and Design Standards”
Section 59-E-2.6	“Lighting”
DIVISION 59-E-4	“Parking Facility Plans for Projects Constructed in Accordance with Building Permits file after June 28, 1984”
Section 59-E-4.1	“Parking facilities plan objectives”
DIVISION 59-F-4	“Permanent Signs”
Section 59-F-4.1	“Generally”
DIVISION 59-G-1	“Special Exceptions – Authority and Requirements”
Section 59-G-1.23	“General development standards”
DIVISION 59-G-2	“Special Exceptions – Standards and Requirements”
Section 59-G-2.06	“Automobile filling stations”
Section 59-G-2.09	“Automobile, truck and trailer rentals, outdoor
Section 59-G-2.11.1	“Car wash”
Section 59-G-2.15	“Combination retail store”
Section 59-G-2.16	“Drive-in restaurants”
Section 59-G-2.24	“Golf course and country club”
Section 59-G-2.241	“Golf course in the RDT zone”
Section 59-G-2.36.4	“Meeting centers”
Section 59-G-2.45	“Equestrian facility in residential zone”

By adding the following section to the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-G-4	“Nonconforming Uses, Buildings, and Structures”
Section 59-G-4.6	“Termination of nonconforming outdoor lighting”

EXPLANATION: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-A-4 is amended as follows:

DIVISION 59-A-4. COUNTY BOARD OF APPEALS.

* * *

59-A-4.22. Data to accompany petition for special exception.

(a) Each petition for special exception must be accompanied at the time of its filing by 4 copies of a statement that includes:

* * *

(4) Complete information concerning the size, type, and location of any existing and proposed trees, landscaping, and screening[, and exterior illumination]. This requirement may be satisfied by site plan documents which comply with the requirements of [section] Section 59-D-3.2, as provided in subsection (b)(2)

* * *

(10) (A) A lighting plan approved by the Department under Section 29B-6; or

(B) If the lighting is exempt from Section 29B-6, a diagram showing the type, location, and height of each outdoor light fixture and any other information necessary to show how the lighting complies with Chapter 29B.

~~[(10)]~~ (11) All additional exhibits which the applicant intends to introduce.

~~[(11)]~~ (12) A summary of what the applicant expects to prove, including the names of applicant's witnesses, summaries of the testimonies of expert witnesses, and the estimated time required for presentation of the applicant's case.

* * *

Sec. 2. Division 59-C-2 is amended as follows:

28 **DIVISION 59-C-2. RESIDENTIAL ZONES, MULTIPLE-FAMILY.**

29 * * *

30 **59-C-2.23. R-H zone-Lighting.**

31 [Luminaries] In addition to complying with the lighting standards established
32 under Chapter 29B, luminaries on parking lots must not be more than 10 feet above
33 ground level and outdoor lighting must not shine in apartment windows or reflect
34 or cause glare into abutting or facing premises.

35 **Sec. 3. Division 59-C-4 is amended as follows:**

36 **DIVISION 59-C-4. COMMERCIAL ZONES.**

37 * * *

38 **59-C-4.367. Special regulations applicable to designated automobile-related**
39 **uses.**

40 * * *

41 (c) **Lighting.** [In order to prevent any objectionable glare on surrounding
42 properties or streets, the exterior lighting plan that is submitted as part
43 of the required site plan must indicate the height, number and types of
44 lighting fixtures, and a diagram showing their light distribution
45 characteristics] The petitioner must submit:

46 (1) a lighting plan approved by the Department under Section 29B-
47 6; or

48 (2) if the lighting is exempt from Section 29B-6, a diagram
49 showing the type, location, and height of each outdoor light
50 fixture and any other information necessary to show how the
51 lighting complies with Chapter 29B.

52 * * *

53 **59-C-4.397. Off-street parking.**

54 * * *

55 (b) **Design.** The design and location of any parking facility must
56 minimize any adverse effect [upon] on surrounding land and
57 development[,] and comply with the following requirements:

58 * * *

59 (3) [Low-level lighting, designed so as to prevent glare off the site]
60 Lighting must comply with the standards set under Chapter
61 29B;

62 * * *

63 **Sec. 4. Division 59-C-5 is amended as follows:**

64 **DIVISION 59-C-5. INDUSTRIAL ZONES.**

65 * * *

66 **59-C-5.473. Development standards.**

67 * * *

68 (j) **Site lighting standards.**

69 (1) Site lighting must [be provided to] maintain a minimum level of
70 illumination within the parking areas (ft. candle minimum
71 maintained).

72 (2) [Maximum] In addition to complying with all lighting standards
73 set under Chapter 29B, maximum pole heights for drives and
74 parking lots must be approximately 24 feet with "cut off" type
75 luminaries. Poles and luminaries must be compatible with
76 established lighting in the existing core area.

77 (3) Lighting bollards must be used adjacent to pedestrian walk
78 areas. The design must be compatible with architectural
79 materials.

80 **Sec. 5. Division 59-C-7 is amended as follows:**

81 **DIVISION 59-C-7. PLANNED UNIT DEVELOPMENT ZONES.**

82 * * *

83 **59-C-7.27. Utilities.**

84 (a) All utility lines in the town sector zone [shall] must be placed
85 underground. The developer or subdivider [shall] must ensure final
86 and proper completion and installation of utility lines as provided in
87 [the subdivision regulations, being section] Section 50-40(c) [of this
88 Code]. [Standards for] All street lighting [shall be provided by the
89 developer in accordance with the approved site plan] must comply
90 with all lighting standards set under Chapter 29B.

91 * * *

92 **59-C-7.57. Public facilities and utilities.**

93 * * *

94 (b) All utility lines in the mixed use planned development zone [shall]
95 must be placed underground. The developer or subdivider [shall] must
96 ensure final and proper completion and installation of utility lines as
97 provided in [the subdivision regulations being section] Section 50-
98 40(c) [of this Code]. [Standards for] All street lighting [shall be
99 provided by the developer in accordance with the approved site plan]
100 must comply with all lighting standards set under Chapter 29B.

101 **Sec. 6. Division 59-C-9 is amended as follows:**

102 **DIVISION 59-C-9. AGRICULTURAL ZONES.**

103 * * *

104 **59-C-9.31. Equestrian facility standards as a permitted use in the**
105 **agricultural zones.**

106 * * *

107 (f) Lighting.

[Any] In addition to complying with all lighting standards set under Chapter 29B, all outdoor arena lighting must direct light downward using full cutoff fixtures, not produce any glare or direct light onto nearby properties, and not be illuminated after 10 p.m., except for an equestrian event which must not be illuminated after 9 p.m. Sunday through Thursday. [A lighting plan that establishes compliance with this provision must be submitted to Planning Board staff for approval before an electrical permit may be issued] Before the Department issues an electrical permit, the petitioner must submit to the Department:

- (1) a lighting plan approved by the Department under Section 29B-6; or
- (2) if the lighting is exempt from Section 29B-6, a diagram showing the type, location, and height of each outdoor light fixture and any other information necessary to show how the lighting complies with this Section and Chapter 29B.

* * *

Sec. 7. Division 59-C-11 is amended as follows:

DIVISION 59-C-11. MIXED-USE TOWN CENTER ZONE (MXTC).

* * *

59-C-11.3.1. Site Plan Approval.

For the MXTC zone and the MXTC/TDR zone, site plan approval is required for:

* * *

- 2. All optional method development projects. For an optional method development project, the Board must find that the proposed development:

- 135 a. conforms to recommendations of the applicable [approved and
- 136 adopted] master or sector plan;
- 137 b. is not detrimental to any existing development [due to] because
- 138 of the size, intensity, design, scale, and operational
- 139 characteristics of its uses;
- 140 c. satisfies the public use space requirements of the zone;
- 141 d. takes maximum advantage of the topography, vistas, facade
- 142 articulation, and other urban design elements to create an
- 143 attractive physical environment;
- 144 e. provides adequate linkages among different functions or
- 145 structures, open areas, public amenities, parking, and adjoining
- 146 properties and streets; [and]
- 147 f. provides adequate parking and loading service areas with
- 148 appropriate landscaping[,] and screening[, and lighting that will
- 149 not adversely affect adjoining neighborhoods]; and
- 150 g. in addition to complying with all lighting standards set under
- 151 Chapter 29B, provides lighting that does not adversely affect
- 152 adjoining neighborhoods.

153 **Sec. 8. Division 59-C-12 is amended as follows:**

154 **DIVISION 59-C-12. MINERAL RESOURCE RECOVERY ZONE.**

155 * * *

156 **59-C-12.6. Special regulations.**

157 * * *

- 158 (e) **Lighting.** An exterior lighting plan that shows how the lighting
- 159 complies with all standards set under Chapter 29B must be included
- 160 with the development plan, indicating the height, number and types of
- 161 fixtures, and a diagram showing their distribution characteristics.

* * *

Sec. 9. Division 59-C-18 is amended as follows:

DIVISION 59-C-18. OVERLAY ZONES.

* * *

59-C-18.104. Site plan contents and exemptions.

* * *

(b) A site plan for development in the Wheaton CBD overlay zone must include:

* * *

(8) [an exterior lighting plan, including all parking areas, driveways and pedestrian ways, alleys, building security lights, and the height, number, and type of fixtures with a diagram showing their light distribution characteristics]

(A) a lighting plan approved by the Department under Section 29B-6; or

(B) if the lighting is exempt from Section 29B-6, a diagram showing the type, location, and height of each outdoor light fixture and any other information necessary to show how the lighting complies with Chapter 29B; and

* * *

59-C-18.124. Site plan contents and exemptions.

* * *

(b) A site plan for development in the Arlington Road District overlay zone must include:

* * *

(8) [an exterior lighting plan, including all parking areas, driveways and pedestrian ways, and the height, number, and

189 type of fixtures with a diagram showing their light distribution
190 characteristics]

191 (A) a lighting plan approved by the Department under
192 Section 29B-6; or

193 (B) if the lighting is exempt from Section 29B-6, a diagram
194 showing the type, location, and height of each outdoor
195 light fixture and any other information necessary to show
196 how the lighting complies with Chapter 29B; and

197 * * *

198 **59-C-18.184. Site plan contents and exemptions.**

199 * * *

200 (b) A site plan for development in the Sandy Spring/Ashton Rural Village
201 Overlay Zone must include:

202 * * *

203 (10) [An exterior lighting plan, including all parking areas,
204 driveways and pedestrian ways, and the height, number, and
205 type of fixtures with a diagram showing their light distribution
206 characteristics]

207 (A) a lighting plan approved by the Department under
208 Section 29B-6; or

209 (B) if the lighting is exempt from Section 29B-6, a diagram
210 showing the type, location, and height of each outdoor
211 light fixture and any other information necessary to show
212 how the lighting complies with Chapter 29B; and

213 * * *

214 **59-C-18.232. Regulations.**

215 (a) *Commercial zones.* Where a lot is either partially or totally in a
216 commercial zone, the following regulations apply:

217 * * *

218 (2) *Development standards:*

219 * * *

220 (G) [All] In addition to complying with all lighting standards
221 set under Chapter 29B, all outdoor lighting of
222 commercial uses must be located, shielded, landscaped or
223 otherwise buffered so that no direct light intrudes into an
224 adjacent residential property. Unless the Planning Board
225 requires different standards for a recreational facility or
226 to improve public safety, luminaries must incorporate a
227 glare and spill light control device to minimize glare and
228 light trespass.

229 * * *

230 **Sec. 10. Division 59-D-3 is amended as follows:**

231 **DIVISION 59-D-3. SITE PLAN.**

232 * * *

233 **59-D-3.23. Proposed development.**

234 A plan of the proposed development, including the following information unless
235 the Planning Director waives any item at the time of application as unnecessary
236 because of the limited scope of the proposal:

237 * * *

238 (1) [An exterior lighting plan, including all parking areas,
239 driveways and pedestrian ways, and including the height,
240 number and type of fixtures and a diagram showing their light
241 distribution characteristics]

242 (A) A lighting plan approved by the Department under
243 Section 29B-6; or

244 (B) If the lighting is exempt from Section 29B-6, a diagram
245 showing the type, location, and height of each outdoor
246 light fixture and any other information necessary to show
247 how the lighting complies with Chapter 29B.

248 * * *

249 **59-D-3.4. Action by Planning Board.**

250 * * *

251 (c) In reaching its decision the Planning Board must require that:

252 * * *

253 (5) the site plan meets all applicable requirements of Chapter 22A
254 regarding forest conservation, Chapter 19 regarding water
255 resource protection, Chapter 29B regarding outdoor lighting,
256 and any other applicable law.

257 * * *

258 **Sec. 11. Division 59-E-2 is amended as follows:**

259 **DIVISION 59-E-2. PLANS AND DESIGN STANDARDS.**

260 * * *

261 **59-E-2.6. Lighting.**

262 Adequate lighting [shall] must be provided for surface parking facilities used at
263 night and for structured parking as required by construction codes. [Lighting shall]
264 In addition to complying with all lighting standards set under Chapter 29B, lighting
265 must be installed and maintained in a manner that does not [to] cause glare or
266 reflection into abutting or facing residential premises[, nor to] or interfere with safe
267 operation of vehicles moving on or near the premises.

268 **Sec. 12. Division 59-E-4 is amended as follows:**

269 **DIVISION 59-E-4. PARKING FACILITY PLANS FOR PROJECTS**
270 **CONSTRUCTED IN ACCORDANCE WITH BUILDING PERMITS FILED**
271 **AFTER JUNE 28, 1984.**

272 * * *

273 **59-E-4.2. Parking facilities plan objectives.**

274 A parking facility plan [shall] must accomplish the following objectives:

275 * * *

276 (d) The provision of appropriate lighting that complies with all lighting
277 standards set under Chapter 29B, if the parking [is to] will be used
278 after dark.

279 **Sec. 13. Section 59-F-4.1 is amended as follows:**

280 **59-F-4.1. Generally.**

281 * * *

282 (e) **Illumination.** When illumination of a sign is permitted it must
283 comply with the following restrictions:

284 * * *

285 (2) **Prevention of Glare.** [Sign] In addition to complying with all
286 lighting standards set under Chapter 29B, sign illumination
287 must use an enclosed lamp design or indirect lighting from a
288 shielded source in a manner that prevents glare from beyond the
289 property line. Glare is a direct or reflected light source creating
290 a harsh brilliance that causes [the] an observer to squint, shield,
291 or avert the eyes.

292 * * *

293 **Sec. 14. Division 59-G-1 is amended as follows:**

294 **DIVISION 59-G-1. SPECIAL EXCEPTIONS—AUTHORITY AND**
295 **PROCEDURE.**

296 * * *

297 **59-G-1.23. General development standards.**

298 * * *

299 (h) **Lighting in residential zones.** [All] In addition to complying with all
300 lighting standards set under Chapter 29B, all outdoor lighting must be
301 located, shielded, landscaped, or otherwise buffered so that no direct
302 light intrudes into an adjacent residential property. The following
303 lighting standards must be met unless the Board requires different
304 standards for a recreational facility or to improve public safety:

305 (1) Luminaires must incorporate a glare and spill light control
306 device to minimize glare and light trespass.

307 (2) Lighting levels along the side and rear lot lines must not exceed
308 0.1 foot candles.

309 **Sec. 15. Division 59-G-2 is amended as follows:**

310 **DIVISION 59-G-2. SPECIAL EXCEPTIONS—STANDARDS AND**
311 **REQUIREMENTS.**

312 * * *

313 **59-G-2.06. Automobile filling stations.**

314 * * *

315 (b) In addition, the following requirements must be complied with:

316 * * *

317 (3) [Lighting is] In addition to complying with all lighting
318 standards set under Chapter 29B, lighting must not [to] reflect
319 or cause glare into any residential zone.

320 * * *

321 **59-G-2.09. Automobile, truck and trailer rentals, outdoor.**

322 * * *

323 (b) In addition, the following requirements must be complied with:

324 * * *

325 (6) [Lighting shall] In addition to complying with all lighting
326 standards set under Chapter 29B, lighting must be low level and
327 [so]arranged [as]not to reflect or cause glare into any residential
328 zone.

329 * * *

330 **59-G-2.11.1. Car wash.**

331 In addition to meeting the general conditions for the grant of a special exception a
332 car wash may be allowed [provided that] if:

333 * * *

334 (d) in addition to complying with all lighting standards set under Chapter
335 29B, lighting [is] would not [to] reflect or cause glare into any
336 residential area.

337 * * *

338 **59-G-2.15. Combination Retail Store.**

339 A special exception for a combination retail store may be granted, subject to the
340 following requirements:

341 * * *

342 (f) [Lighting] In addition to complying with all lighting standards set
343 under Chapter 29B, lighting must not reflect[,] or cause glare[,] on
344 any property located in a residential zone.

345 **59-G-2.16. Drive-in restaurants.**

346 A drive-in restaurant may be allowed, [upon a finding] if the Board finds, in
347 addition to findings required in [division] Division 59-G-1, that:

348 * * *

349 (f) [Lighting is] In addition to complying with all lighting standards set
350 under Chapter 29B, lighting would not [to] reflect or cause glare into
351 any residential zone.

352 * * *

353 **59-G-2.24. Golf course and country club.**

354 A golf course or country club must adhere to the following standards and
355 requirements:

356 * * *

357 (c) [All] In addition to complying with all lighting standards set under
358 Chapter 29B, all outdoor lighting must be located, shielded,
359 landscaped, or otherwise buffered so that no direct light intrudes into
360 any residential area.

361 * * *

362 **59-G-2.241. Golf Course in the RDT Zone.**

363 * * *

364 (f) No outdoor lighting is permitted except for security and safety
365 purposes. [Any such] In addition to complying with all lighting
366 standards set under Chapter 29B, all lighting must be shielded so that
367 direct light is not visible from any residence and would not adversely
368 affect an adjoining road, highway, or other nearby use.

369 * * *

370 **59-G-2.36.4. Meeting centers.**

371 * * *

372 (b) [Lighting] In addition to complying with all lighting standards set
373 under Chapter 29B, all lighting, including permitted illuminated signs
374 and on-site lighting, must be arranged so [as] it does not [to] reflect or
375 cause glare into any residential zone. Further automobile headlight

376 glare from the use must be fully screened from any abutting
377 residential use.

378 * * *

379 **59-G-2.45. Recreational or entertainment establishments, commercial.**

380 * * *

381 (b) [Lighting is] In addition to complying with all lighting standards set
382 under Chapter 29B, lighting must not [to] reflect or cause glare into
383 any residential zone.

384 * * *

385 **59-G-2.49. Equestrian facility in a residential zone.**

386 * * *

387 (g) [Any] In addition to complying with all lighting standards set under
388 Chapter 29B, any outdoor arena lighting must direct light downward
389 using full cutoff fixtures, not produce any glare or direct light onto
390 nearby properties, and not be illuminated after 10 p.m. except for an
391 equestrian event which must not be illuminated after 9 p.m. Sunday
392 through Thursday. [The Board may require that a lighting plan be
393 submitted to Planning Board staff for approval] The petitioner must
394 submit:

395 (A) A lighting plan approved by the Department under
396 Section 29B-6; or

397 (B) If the lighting is exempt from Section 29B-6, a diagram
398 showing the type, location, and height of each outdoor
399 light fixture and any other information necessary to show
400 how the lighting complies with this Section and Chapter
401 29B.

402 **Sec. 16. Division 59-G-4 is amended as follows:**

403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419

* * *

Section 59-G-4.6 is added as follows:

59-G-4.6. Termination of nonconforming outdoor lighting.

- (a) Notwithstanding any other provision of this Article, each building, structure, and use must comply with the applicable lighting standards under Chapter 29B.
- (b) In order to provide a period of amortization, any outdoor light fixture or outdoor lighting system for a building, structure, or use that exists before January 1, 2008 and was legal when installed may continue to be used until January 1, 2013.
- (c) On January 1, 2013, the use of any nonconforming outdoor lighting system must stop.

Sec. 17. Effective date. This ordinance takes effect on January 1, 2008.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council