

RESOLUTION NO. 189 -2024

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO AMEND ARTICLE 21-6(b) AND TO CREATE A NEW ARTICLE 30 ("OUTDOOR LIGHTING"), RELATING TO OUTDOOR LIGHTING REGULATIONS.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That a Zoning Ordinance text amendment to amend Article 21-6(b) and to create a new Article 30 ("Outdoor Lighting"), as described in the proposed attached text, be and hereby is initiated for Planning Commission consideration and recommendation.

Section 2 – That the draft proposed text amendment to the Zoning Ordinance is attached hereto and incorporated herein as an exhibit to this resolution.

Section 3 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: Apr11 25,2024



MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL
0398-24:TWJ:4857-5284-6006, v. 1

Article 21 DEVELOPMENT PLANS

Article 21-6 Contents and Format of Development Plans

All development plans shall be prepared on Mylar or other material capable of clear reproduction using ozalid print process. Plans shall be legible and of a size and scale (generally not exceeding one (1) inch equals one hundred (100) feet) which enables clear presentation of required information. Required plan information shall be as follows:

- (a) *Contents of preliminary development plan.* A preliminary development plan shall contain the following information at a minimum:
- (1) A title block containing the plan name, development plan type, name and address of developer and plan preparer; and written and graphic scale.
 - (2) The boundary of the subject property, its record plan designation (if available); and the record plan name or owner's name of all adjoining property.
 - (3) A vicinity sketch, oriented in the same direction as the design scheme.
 - (4) Topography with contour intervals not greater than five (5) feet.
 - (5) Location, arrangement, and approximate dimensions of existing and proposed driveways, walkways, parking areas and arrangement of spaces, point of ingress and egress (including all gates restricting vehicular access), access points for construction vehicles, and other vehicular and pedestrian rights-of-way.
 - (6) Location and cross-sections of any proposed or existing streets within or abutting the subject property.
 - (7) Screening, landscaping and buffering, (as required by [Article 18](#)) recreational and other open space areas (as required by [Article 20](#)).
 - (8) Approximate size, location, height, floor area, area arrangement and use of proposed and existing buildings and signs.
 - (9) Storm drainage areas, floodplains, conceptual drainage controls and stormwater retention and any other designated environmentally sensitive or geologic hazard area.
 - (0) Proposed and existing easements for utilities or other purposes.
 - (1) A tree inventory map as required by [Article 26](#).
 - (2) Location of any existing burial grounds (including private family cemeteries) on the subject property and all adjoining property, and provisions for their protection, maintenance and accessibility.
 - (3) A statistical summary of all pertinent site data, including site area, zoning, building coverage and floor area, parking, open space, etc.

(4) A note stating that no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan. Such plan must be submitted in accordance with Chapter 16 of the Code of Ordinances.

(5) An owner's certification, signed and witnessed as follows: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon, do fully agree to all graphic and textural representations shown hereon, and do adopt this as my (our) development plan for the property."

(6) A Commission's certification to be signed by the Commission's Secretary if and when the plan is fully approved, as follows: "I do hereby certify that this development plan was approved by the Urban County Planning Commission at its meeting held on (date)."

(7) A note stating that no building permits shall be issued unless and until a final development plan is approved by the Planning Commission.

(b) *Contents of final development plan.* All information required for preliminary development plans as required under Subsections (a)1 through 17 of this section, above; except that contour intervals shall be two (2) feet, a tree protection plan (as defined in Article 26), data block, lighting plan (as defined in Article 30), and tree protection areas shall be required and that the plan information shall be of an exact nature, rather than approximate or general.

Article 30 - OUTDOOR LIGHTING

Sec. 30-1. - Intent.

The intent of this Article is to establish comprehensive and objective regulations regarding effective lighting safeguarding public health, safety, and welfare. These guidelines aim to foster high-quality outdoor lighting that enhances the built environment and public safety while discouraging practices that lead to light pollution, glare, light trespass, sky glow, and minimizing nocturnal impacts on wildlife.

Sec. 30-2. - Outdoor Lighting Requirements Where Provided.

This section applies to all zones, excluding the following agricultural zones: Agricultural Rural (A-R), Agricultural Buffer (A-B), and Agricultural Natural (A-N) zone.

- a) All exterior lighting shall be in conformance with this Article for new development, buildings, exterior renovations, and additions.
- b) Lighting for access easements approved by the Planning Commission shall conform to the requirements of the Complete Streets Manuals.
- c) Exemptions:
 - 1. Unshielded fixture with a maximum output of seventy (70) lumens per fixture.
 - 2. Shielded fixture with a maximum output of one thousand (1,000) lumens per fixture, provided the source of the light is not visible from any other property.
 - 3. Lighting required by Federal or State regulations.
 - 4. Lighting which does not otherwise conform to the provisions of this Article and is associated with an approved Special Events Permit.
 - 5. Lighting required by the Kentucky state building code shall not be prohibited by this article but shall be subject to the lighting standards.
 - 6. Lighting for signage shall be regulated as per Article 17.

Sec. 30-3. - Lighting plans

- a) Lighting plans shall be provided when a landscape plan or final development plan is required. Lighting plans shall be reviewed in coordination with Landscape Plans to avoid conflicts between utility lines, plant materials, and tree canopies. Plans shall be legible and of a size and scale (generally not exceeding one (1) inch equals forty (40) feet), which enables clear presentation of required information. A lighting plan shall include:
 - 1. A written description of each type, number, and height of existing and proposed outdoor lighting fixture and supporting devices
 - 2. A lighting fixture schedule
 - 3. Written description of the lumens for each lighting fixture type
 - 4. Square footage of the total area to be illuminated, and lumens per net acre
 - 5. Location of all lighting fixtures and
 - 6. Foot-candle levels within property boundaries and full extent of light trespass

- b) All lighting plans shall depict consistent illumination across parking and pedestrian facilities, eliminating any dark areas.
- c) All lighting plans shall be prepared by an architect, landscape architect or professional engineer licensed to practice in the State of Kentucky. The lighting plan shall be stamped at the time of the certification of final development plan or prior to the issuance of a building permit.

Sec. 30-4. – Outdoor Lighting Standards.

All outdoor lighting shall conform to the following standards and provisions:

a) Fixture requirements:

1. Fully shielded lighting fixture:

- a. Unless specifically exempted by this Article (30-2), all outdoor lighting shall be fully shielded fixtures.
- b. The luminous elements of the fixture shall not be visible from any other property (exemption as discussed for DPs to allow light over prop lines)
- c. The fixture shall have a maximum color temperature of 3000 Kelvin.
- d. Lighting must not be placed at a location, angle, or height that directs illumination outside the property boundaries where the lighting fixtures are located, except when there is a written agreement signed by both property owners and denoted on the associated development plan or subdivision plan. The agreement shall be on file with the Division of Building Inspection.
- e. If mounted on or attached to a building or structure other than a parking lot light pole or a sign, the light source (including all lenses, diffusers, reflectors, or similar elements) shall be at least two inches recessed into the fixture housing or shielding.
- f. Structural or architectural elements, such as eave overhangs, canopies, or patio covers, are not considered shielding.
- g. Drop lens, sag lens, lens sag or similar fixture types shall be prohibited.
- h. Blinking, flashing, moving, revolving, scintillating, flickering, changing-intensity, and changing-color lights are prohibited, unless exempted in Article 30-2.
- i. The installation of new mercury vapor and low-pressure sodium lamps is prohibited.

b) Height Limit:

- 1. Lighting mounted on poles or structures within fifteen (15) feet of the front, side, and rear property boundary shall not exceed a mounting height of twelve (12) feet. For modifications of height, see special provisions (30-4(e)).
- 2. All other lighting mounted on poles or structures within the property shall not exceed a mounting height of twenty-five (25) feet.

c) Maximum Lumens:

- 1. Total outdoor light output of any non-residential property shall not exceed 100,000 lumens per net acre in any contiguous illuminated area.

2. Total outdoor light output of any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.
- d) Light trespass shall not exceed 0.5 horizontal foot candles.
- e) Special Provisions:
 1. Where the light trespass level is below 0.1 foot-candles on the side and rear property lines, maximum height of all fixtures mounted on poles or structures shall be twenty-five (25) feet.
 2. Where maximum lumens for the development is twenty-five (25) percent of the allowable lumens (Article 30-4(c)) maximum height of all fixtures mounted on poles or structures shall be twenty-five (25) feet.
 3. The Planning Commission in coordination with a final development plan may approve modifications to the height and location of lighting with the submission of an innovative lighting design that reduces light pollution and enhances the public realm. A finding regarding the innovation and reduction of light impact shall be made by the Planning Commission.

Sec. 30-5. – Outdoor Recreation and Entertainment Use Lighting Requirements.

Where outdoor lighting for recreation facilities and entertainment spaces are required, the following provisions apply.

- a) Maximum Lumens:
 1. Outdoor recreation facilities are not subject to the lumens per net acre limit during operation.
 2. Foot candles trespass shall be limited to 1.0 horizontal foot candles during the periods of operation and shall be limited to 0.5 horizontal foot candles when not in operation.
- b) The maximum kelvin shall be 4100 kelvin for lighting directed on playing or recreation surfaces/fields/audience viewing areas.
- c) The mounting height for lighting fixtures for recreation fields with less than two thousand five hundred (2,500) seats shall not exceed eighty (80) feet from finished grade. The mounting height for all lighting fixtures for recreation fields with greater than or equal to two thousand five hundred (2,500) seats shall not exceed one hundred and twenty-five (125) feet from finished grade.
- d) All fixtures shall be aimed so that light is directed and falls within the primary playing or performance area and audience viewing areas.
- e) Blinking, flashing, moving, revolving, scintillating, flickering, changing-intensity, and changing-color lights shall be permitted during operation.

- f) Video screens and score boards shall be permitted during operation.
- e) All outdoor recreations facilities and entertainment spaces shall submit a lighting plan per Article 30-3.
- f) The hours of operation for the lighting system for the primary playing or performance area shall not exceed one hour after the end of the event.
- g) Associated accessory uses shall conform to all other requirements of this article.

Sec. 30-6. - Non-conforming existing lighting.

- a) All existing outdoor lighting that was legally installed prior to the effective date of this Article and that does not comply with the regulations established by this Article shall be deemed non-conforming and governed by Article 4.