

ORDINANCE NO. O2024-034

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, PROVIDING FOR CHANGES TO THE ZONING CODE TO AMEND CERTAIN SECTIONS RELATING TO OUTDOOR LIGHTING

WHEREAS, from time to time it may be desirable to modify the zoning code keeping within the context of a dynamic and growing community; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on August 26, 2024 in Case no: ZONE-42943-2024 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on August 2, 2024; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the zoning code text amendment in Case No: ZONE-42943-2024 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this amendment, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: Yuma City Code, Title 15, Chapter 154, Article 01, Section 07, Definitions, is amended to delete the following strike through text:

~~**FULLY SHIELDED.** That fixtures are shielded in such a manner that light rays emitted by the fixture either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.~~

~~**MAINTAINED FOOTCANDLE.** Predicted footcandles, at a given location, calculated through application of a light loss factor.~~

~~**PARTIALLY SHIELDED.** That fixtures are shielded in such a manner that the bottom edge of the shield is below the plane of the centerline of the lamp reducing light above the horizontal.~~

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 14, Section 01, Aesthetic Overlay District (AO), Subsection D, is amended to insert the following bolded text and delete the strike through text:

(6) *Lighting.* Minimum standards for lighting for properties located within the Aesthetic Overlay District are as follows.

- (a) Aisles, passageways and recesses related to and within the building complex shall be illuminated with an intensity of **an average of 0.5** ~~a minimum of one maintained~~ footcandles at the ground level and at seven feet vertical between sunset and sunrise.
- (b) Open parking lots shall be illuminated with **an average of 0.5 footcandles with a minimum 0.2 footcandles over the parking spaces** ~~a minimum of one maintained footcandle of light on the parking surface~~ and at seven feet vertical between sunset and sunrise.

- (c) All exterior entrances shall be illuminated with ~~a minimum~~ **an average** of five ~~maintained~~ footcandles at ground level and at seven feet vertical between the hours of sunset and sunrise, with a minimum 15-foot radius from the center point of the entrance.
- (d) Closed and covered parking structures and carports shall be illuminated with ~~a minimum~~ **an average** of five ~~maintained~~ footcandles at ground level and at seven feet vertical between the hours of sunset and sunrise; during daylight hours, the area shall be illuminated with a minimum of ten footcandles.
- (e) Greenway trails, pathways, linear parks, multi-use trails and similar facilities shall be illuminated with a minimum of **0.5** ~~one-half maintained~~ **average** footcandles at ground level and at seven feet vertical between sunset and sunrise.

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 16, Section 03, Subsection B, Improvement of Parking Lots, is amended to insert the following bolded text and delete the strike through text:

(6) Lighting standards shall be placed so as to reflect the light away from the adjacent areas, and so as not to interfere with traffic movement or control. Illumination of ~~the~~ parking area shall be required for all parking areas with five or more parking spaces. Open parking lots **shall incorporate the requirements of Article 18 and** shall illuminate parking stalls with **an average of 0.5 footcandles with a minimum 0.2 footcandles over the parking spaces** ~~a minimum of one maintained footcandle of light on the parking surface~~ and seven feet vertical between sunset and sunrise.

SECTION 4: Yuma City Code, Title 15, Chapter 154, Article 18, Outdoor Lighting Regulations, Sections 01 through 04, are amended to insert the following bolded text and delete the strike through text:

§ 154-18.01 Purpose.

The principal purpose of the outdoor lighting regulations is to create standards for outdoor lighting which do not conflict with the reasonable use and enjoyment of property within the city and with astronomical observations. It is the intention of this subchapter to encourage the conservation of energy while increasing night-time safety, utility, security and productivity, through regulation of the types, kinds, construction, installation and use of outdoor electrically powered illuminating devices, lighting practices and systems. **The provisions of Arizona Revised Statutes, Title 49- The Environment, Chapter 7- Light Pollution, shall be followed to uphold the “Dark Sky” goals of reducing waste, glare, light trespass, interference of artificial light, and adverse effects on wildlife; therefor increasing safety, and the visibility of the night sky.**

§ 154-18.02 General Requirements.

(A) *Definitions:*

FULLY SHIELDED. That fixtures are shielded in such a manner that light rays emitted by the fixture either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

PARTIALLY SHIELDED. That fixtures are shielded in such a manner that the bottom edge of the shield is below the plane of the centerline of the lamp reducing light above the horizontal.

FOOTCANDLE, AND LUMEN: The footcandle and lumen measure light, although in different ways for different lighting situations. Light output is measured in lumens. The number of lumens measures the total amount of visible light emitted by a light source. It gauges the brightness of the light. The footcandle measures how much light falls upon a certain spot.

LIGHT TRESPASS: A condition in which artificial light emitted from a luminaire on one property, not inclusive of light incidentally scattered or reflected from adjacent surfaces, is directed in such a manner that the light source is visible from any other property.

~~(A)~~ **(B) Top-mounted.** Outdoor advertising sign lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements **noted in this section** ~~in Table No. 8.~~

~~(1) This is the preferred light source to minimize undesirable light emission into the night sky affecting astronomical observations.~~

~~(2) Metal halide lighting used primarily for display purposes shall not be used for security lighting after 11:00 p.m. Metal halide lamps shall be installed only in enclosed luminaries. These lamp fixtures shall be "filtered", a glass, acrylic or translucent enclosure of the light source (quartz glass does not meet this requirement).~~

~~(3) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within, do not require shielding. Dark backgrounds with light lettering and warm white and natural lamps are preferred to minimize detrimental effects.~~

~~(4) For purposes of this subchapter, quartz lamps shall not be considered an incandescent light source.~~

~~(B)~~ **(C) Bottom-mounted. (ground-mounted, up-lighting, feature-lighting).** An outdoor advertising sign illuminated by any type of bottom-mounted outdoor lighting system or fixture, which is installed at or on **the ground or** the lower portion of any outdoor advertising sign or fixture shall be prohibited unless said lighting fixture is shielded to confine the light to the sign face. **All such fixtures with lighting which is directed upwards shall be placed so that the angle of the lamp shall not be greater than forty-five degrees (45°) measured from a horizontal plane to a line projected through the center of the lamp.**

~~(C)~~ **(D) Mercury vapor.** Mercury vapor lamps and fixtures are prohibited for use as outdoor lighting. ~~Mercury vapor lamps in use for outdoor lighting on the effective date of this chapter shall not be used after January 1, 2011.~~

~~(D)~~ **(E) Searchlights.** Prohibited.

~~(E)~~ **(F) Recreational facilities.** Public or private recreational facilities, which are illuminated with outdoor lighting fixtures conforming to these regulations may operate any time with such illumination. Outdoor recreational facilities not conforming to these regulations shall not be illuminated after 11:00 p.m. except to conclude a specific recreational or sporting event or any other similar activity conducted at or in the facility which was in progress under such illumination; prior to 11:00 p.m.

~~(F)~~ **(G) Outdoor advertising off-site signs.** The electrical illumination of outdoor advertising off-site signs including those internally illuminated, is prohibited between the hours of 12:00 a.m. midnight and sunrise.

~~(G)~~ **(H) Flagpoles.** Outdoor lighting fixtures used to illuminate a flagpole shall be mounted on the top of the flagpole structure and adhere to the shielding requirements outlined in **this section** ~~Table No. 8.~~ In cases where it is impossible to light a flagpole structure from the top, bottom-mounted lights shall be connected to a timer which extinguishes all but the minimal light source necessary to illuminate the flag between the hours of 11:00 p.m. and sunrise.

(I) The maximum light pole height is 12 feet when within 25 feet of a residential use.

(J) Light Emitting Diode (LED) and Low Pressure Sodium are the preferred light sources to minimize undesirable light emissions to neighboring properties and the night sky.

(K) Metal halide lighting used primarily for display purposes shall not be used for security lighting after 11:00 p.m. Metal halide lamps shall be installed only in enclosed luminaries. These lamp fixtures shall be “filtered”, a glass, acrylic or translucent enclosure of the light source (quartz glass does not meet this requirement) and this lighting requires full shielding.

(L) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within, do not require shielding. Dark backgrounds with light lettering and warm white and natural lamps are preferred to minimize detrimental effects.

(M) For purposes of this subchapter, quartz lamps shall not be considered an incandescent light source.

(N) LED lighting must be 3,000K (Kelvin corrected color temperature (CCT)) or less for all commercial uses.

(O) Any light source of 70 watts (700 lumens) or equivalent does not require shielding.

(P) Neon, argon, and other noble gas glass tube lighting does not require shielding.

(Q) High Pressure Sodium, low pressure sodium, and quartz halogen lighting requires full shielding.

(R) Light trespass is prohibited, except for fixtures exempted from this ordinance or from shielding requirements in this section.

Table No. 8 - Shielding Requirements

Fixture Lamp Type	Shielding Requirements
Any light source of 70W or less	None
Fluorescent	Fully shielded (3)
Glass tubes filled with neon, argon, krypton	None
High pressure sodium	Fully shielded
Incandescent 150W or less	None
Low pressure sodium (1)	Partially shielded
Metal halide (2)	Fully shielded
Quartz (4)	Fully shielded

§ 154-18.03 ~~Permanent~~ Exemptions.

(A) *Nonconforming fixtures.* Legally installed outdoor lighting not conforming to the provisions of this chapter shall be allowed to remain, provided such fixtures are extinguished between the hours of 11:00 p.m. and sunrise by automatic shut-off device.

(B) *Fossil fuel light.* All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this code.

(C) *State and federal facilities.* Outdoor light fixtures installed on, and in connection with those facilities and

land owned or operated by the federal government or the State of Arizona, or any department, division, agency or instrumentality thereof, are exempt from all requirements of this chapter. Voluntary compliance with the intent of this chapter at those facilities is encouraged.

(D) Deviations from the lighting standards provided in this chapter may be approved for private properties if approved by the Zoning Administrator.

(E) Applications to deviate from the lighting standards shall include the following information:

- 1. A site plan depicting the location of proposed lighting on the site;**
- 2. A lighting inventory that provides, at minimum:**
 - a. The brightness (in lumens) and correlated color temperature (in Kelvin) of each luminaire;**
 - b. The height of each fixture;**
 - c. The directional angle of each fixture;**
 - d. The character of shielding for each luminaire, if any;**
 - e. Identification of luminaires that diverge from the standards of this Chapter and are subject to the deviation request;**
 - f. Detailed description of the circumstances which necessitate the deviation;**
 - g. Such other data and information as may be required by the Zoning Administrator.**
- 3. The deviation may be granted if the following findings are made:**
 - a. There are unique circumstances affecting the subject property or unique design and land use characteristics that make it infeasible or impractical to comply with strict application of the lighting standards detailed in this chapter.**
 - b. The proposed deviation will achieve the intent of this chapter to the maximum extent feasible.**

§ 154-18.04 Submittal of Plans.

(A) *Submittal contents.* The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor light fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this chapter. The submittal shall contain, but shall not be limited to, the following:

- (1) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices;
- (2) Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required); and
- (3) Photometric data, such as that furnished by manufacturers, or similar, showing the angle of cut off of light emissions. **For commercial projects, a Photometric Survey is required, and it shall show lit areas including 1 foot beyond the subject property to show no light trespass onto neighboring properties.**
- (4) For new construction or retrofits of fuel canopy lighting: Fully-recessed fuel canopy lighting/flat lenses are required. All light fixtures mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses. Such shielding must be provided by the fixture itself. Shielding by surrounding structures such as canopy edges is not a suitable alternative.**

(B) *Subdivision plat certification.* If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the regulations of this chapter.

SECTION 5: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of said sections occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney