
Sec. 12-262. Night sky regulations.

- A. *Intent and Purpose.* The intent of this section is to minimize light pollution for the enjoyment and use of property and the night environment by the residents of the Town of Davie. It is also the intent of this section to implement regulatory lighting practices and systems which will: minimize glare, light trespass and overlighting; conserve energy and resources while maintaining night-time safety, utility, security, and productivity; and curtail the degradation of the night time visual environment.
- B. *Applicability.* All outdoor lighting shall be installed in conformance with the provisions of this section, as follows.
1. *New Developments.* For all proposed new developments, buildings, and structures that require a site plan relating to actual construction, all outdoor lighting systems shall meet the requirements of this section.
 2. *Buildings and Major Additions.* After February 4, 2009, all building additions or modifications of fifty (50) percent or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions, shall include lighting systems that meet the requirements of this section for the entire property, including any previously installed lighting.
 3. *Modifications.* Cumulative modification or replacement of outdoor lighting constituting twenty-five (25) percent or more of the light fixtures for the parcel, regardless of the actual amount of lighting already on a non-conforming site, shall constitute a major addition for purposes of this section.
 4. *Existing lighting.* Lighting systems lawfully installed prior to February 4, 2009 shall not be required to comply with the standards of section 12-262, paragraphs E, F, and G until such time as new development is approved pursuant to paragraphs 1, 2 or 3, above.
 5. *Minor Additions.* Additions or modifications of less than fifty (50) percent to existing uses, as defined in paragraphs 2 and 3, above, and that require a site plan relating to actual construction or a site plan modification, shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting proposed on the site shall meet the requirements of this section with regard to shielding and lamp type. The total outdoor light output after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this Code, whichever is larger.
 6. *Special Planning Areas.* Where the Town Council has adopted specific lighting standards for Special Planning Areas pursuant to Chapter 12, Article XIII, such lighting standards shall control in the event of any conflict with the standards of this section.
- C. *Exemptions.*
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 - a. *First Responder Lighting.* Lights used by police, firefighting, or medical personnel, or at their direction, are exempt from all requirements of this section.
 - b. *Holiday Decorations.* Residential and commercial seasonal decorations using typical unshielded low-wattage incandescent lamps or lighting shall be permitted from Thanksgiving thru January 15.
 - c. *Flag poles.*
 - d. *Underwater lighting* used for the illumination of swimming pools, fountains and other water features is exempt from the lamp type and shielding standards of this section though it must conform to all other provisions of this Code.

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- e. Lighting of radio, communication and navigation towers is exempt; provided that the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this Code.
 - f. Airport Lighting. Lighting related to airport operations is exempt provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this ordinance.
 - g. Lighting of signs governed by Article VIII, Division 1, Signs.
 - h. Non-residential sports field lighting.
- D. *Prohibitions.*
- 1. *Laser Source Light.* The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
 - 2. *Searchlights.* The operation of searchlights, strobe lights, or any similar high intensity light for advertising purposes are prohibited.
- E. *Lamp Type and Shielding Requirements per Fixture.*
- 1. *Shielding Standards.* All nonexempt outdoor lighting fixtures, shall be full cutoff fixtures with the light source fully-shielded to prevent glare. All light fixtures shall be designated to minimize stray light trespassing across property boundaries.
 - a. All lighting for commercial and industrial areas shall be extinguished between 11:00 p.m. and sunrise or when the business is closed, whichever is later. If for security reasons it is necessary to have some lighting, the use of motion sensor lighting is permitted or the installation of a dimmer to generate less light at night may be used, provided:
 - i. It is located in such a manner as to prevent glare and lighting on properties of others or into a public right-of-way.
 - ii. If using motion sensor lighting, the luminaire is set to only go on when activated and to go off within five minutes after activation has ceased.
 - iii. The luminaire shall not be triggered by activity off the property.
 - b. Canopy lights, such as for motor fuel pump lighting shall be full cutoff so as to ensure that no light source is visible from or cause glare on public right of way or adjacent properties.
 - c. Area lights. All area lights shall be full cutoff type luminaires.
 - d. Any lamp installed on a residential property must be fully shielded such that the lamp itself is not directly visible from any other residential property.
 - 2. *Landscape Lighting for Multi-Family and Commercial Buildings.* Landscape lighting for commercial and multifamily buildings may utilize uplight, so long as the uplight does not exceed 500 lumens and does not spill over onto adjacent property or rights of way.
 - 3. *Lamp Source.* Preferred lamp sources for parking lots, pedestrian zones, and street lights are Pulse-Start Metal Hallide or LED. Lamp sources for Architectural features may be any lamp type deemed appropriate by the lighting designer or otherwise allowed by Code, as long as it is in accordance with this and other sections of the Code.
- F. *Compliance Review.*
- 1. The applicant for a site plan or site plan modification required by the Town of Davie involving outdoor light fixtures (except as exempted above) shall submit an illumination plan. That plan shall be certified

by a registered architect or registered engineer as providing illumination in accordance with the applicable standards set forth in this division. Subsequent construction must comply with the approved lighting plan.

The illumination plan shall contain but not be limited to the following:

- a. The location of the site where the outdoor light fixtures will be installed, both proposed and any already existing on the site;
 - b. Plans indicating the location on the premises, and the type of outdoor light fixtures;
 - c. A description of the outdoor light fixtures including but not limited to manufacturer's catalog cuts, photometric study, and drawings.
2. The above required plan and descriptions shall be sufficiently complete to enable town staff to readily determine whether the work will comply with the requirements of this section. If such plan and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit further evidence of compliance enabling such determination.
 3. The lighting installation shall not be placed in permanent use until a letter of compliance from a registered professional engineer has been provided stating that the installation has been field checked and meets the requirements as stated above.

G. *Hours of Operation.*

1. Lighting located within commercial, community facility, or industrial areas must be turned off between 11:00 p.m. and sunrise, except as follows:
 - a. On premises advertising signs may be illuminated while the business facility is open to the public;
 - b. Outside illumination of sales, commercial, assembly, repair, and industrial areas may be lit when such areas are actually in use; and
 - c. Lighting exempted from this requirement, as stated elsewhere in the Town Code.

H. *Alternative Compliance.* This subsection is not intended to prevent the use of any design, material or method of installation not specifically proscribed by this section, provided any such alternate has been approved. The town administrator or his/her designee may approve any such proposed alternate provided it:

1. Provides at least approximate equivalence to the applicable specific requirement of this section.
2. Is otherwise satisfactory and complies with the intent described for this section.

(Ord. No. 2009-6, § 3, 2-4-09; Ord. No. O2018-009, § 2(Exh. A), 4-4-18)