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## 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 ~~encourage~~ **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, ~~(12-262)~~ 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 ~~(12-262)~~.
  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 ~~(12-262)~~ 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 and H~~ 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.**
- ~~6. The Town of Davie will coordinate with other governmental entities as needed to facilitate bringing into compliance any roadway lighting and any other improvements.~~
- C. *Permanent Exemptions.*
1. *Permanent Exemptions.*
    - a. ~~Federal and State Facilities. Outdoor light fixtures on, in or in connection with facilities and land owned or operated by the government of the United States of America or the State of Florida are exempt from the requirements of this section but voluntary compliance with the intent and provisions of this division is encouraged.~~ **permitted.**
    - ba. **First Responder Emergency** Lighting. Lights used by police, firefighting, or medical personnel, or at their direction, are exempt from all requirements of this section. ~~for as long as the emergency exists.~~

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- ~~eb.~~ Holiday Decorations. Residential and commercial seasonal decorations using typical unshielded low-wattage incandescent lamps **or lighting** shall be permitted from Thanksgiving thru January 15. ~~Holiday lights are encouraged to be turned off in residential areas by 11:00 p.m. and after the business closes in commercial and industrial areas.~~
  - ~~ec.~~ Flag poles.
  - ~~ed.~~ 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.
  - ~~fe.~~ 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.
  - ~~gf.~~ 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.
  - ~~h.~~ ~~Parcels located within the zoning district of RAC-AV are exempt (see sections Article XIII, Division 10).~~
  - ~~i.~~ ~~Parcels located within the Western Theme District are exempt unless, at a minimum, a cutoff lighting fixture can be achieved.~~
  - ~~ig.~~ Lighting of signs governed by Article VIII, Division 1, Signs.
  - ~~kh.~~ **Non-residential** ~~s~~Sports field lighting.

~~D. — Temporary Exemptions.~~

- ~~1. — Information Required. Any individual may submit a written request to the Planning and Zoning Division for a temporary exemption from the requirements of this section. The fee for the temporary exemption shall be that fee prescribed in the Planning and Zoning Division fee schedule, as amended from time to time. The request for temporary exemption shall contain the following information:~~
  - ~~a. — Name, address and telephone number of the applicant;~~
  - ~~b. — Location of the outdoor light fixtures for which the exemption is requested;~~
  - ~~c. — Specific exemption(s) requested;~~
  - ~~d. — Use of the outdoor light fixtures involved;~~
  - ~~e. — Duration of the requested exemption(s);~~
  - ~~f. — Type of outdoor light fixture to be used, character of the shielding, if any;~~
  - ~~g. — Previous temporary exemptions, if any;~~
  - ~~h. — Such other data and information as may be required by the Planning and Zoning Division.~~

~~The planning and zoning division shall have ten (10) business days from the date of receipt of the request for an exemption to approve or disapprove the request. The applicant will be notified of the decision in writing.~~
- ~~2. — Duration of Approval. The exemption shall be valid for not more than thirty (30) consecutive days from the date of issuance of approval. Exemptions are renewable for a period of not more than thirty (30) consecutive days. Requests for renewal of a temporary exemption shall be processed in the same manner as the original request. No outdoor light fixtures shall be exempted from this division for more than sixty (60) days during any twelve (12) month period.~~

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3. ~~Disapproval and Appeal.~~ If the request for temporary exemption is disapproved by the Planning and Zoning Division, the applicant may appeal the decision to the town council. Appeals shall be submitted in writing within ten (10) working days from the date of notification of disapproval. The appeal fee shall be that fee prescribed in the Planning and Zoning Division fee schedule.

**ED.** 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 operations of searchlights, **strobe lights, or any similar high intensity light** for advertising purposes ~~is~~ **are** prohibited.

**FE.** Lamp Type and Shielding Requirements per Fixture.

1. *Shielding Standards.* ~~All nonexempt outdoor lighting fixtures, with the exception of those parcels located within the Rural Lifestyle or the Griffin Corridor Districts, shall be full cutoff fixtures with the light source fully shielded to prevent glare. For parcels located within the Rural Lifestyle, or the Griffin Corridor Districts all lighting fixtures shall be at a minimum cutoff where a minimum amount of light is directed at a horizontal plane. All light fixtures shall be designed to minimize stray light trespassing across property boundaries and all illumination shall be controlled by automatic devices.~~ **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 sensors ~~lighting~~ **is strongly recommended 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 rights-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 rights 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 ~~is the only non-exempt lighting that~~ **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.** ~~However, the maximum initial illuminance value for this specific application, must adhere to the U.S. Green Building Council's latest version of LEED for New Construction and Major Renovation – Sustainable Site Credit 8 which limits the amount of uplight footcandles per the lighting zone the project is in.~~
3. ~~Landscape Lighting for Residential Applications. See D. Special Exemptions.~~
43. *Lamp Source.* Preferred lamp sources for parking lots, pedestrian zones, and street lights are Pulse-Start Metal Halide or LED. Lamp sources for Architectural features may be any lamp type deemed

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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.

**GF.** *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.
  4. ~~Should any outdoor light fixture, or the type source therein, be changed after site plan approval relating to actual construction or a site plan modification approval has been issued, a site plan modification must be submitted for approval, together with adequate information to assure compliance with this section, which must be received prior to substitution.~~

**HG.** *Hours of Operation.*

1. Lighting located within ~~residential (or with a residential component), mixed use,~~ commercial, community facility, or industrial areas ~~are encouraged to~~ **must** be turned off between 11:00 p.m. and sunrise ~~or when the business closes, whichever is later,~~ except ~~as indicated in section 12-260(4)(a) and~~ 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.** ~~under C. and D.~~

**IH.** *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)

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