

AN ORDINANCE

TO AMEND THE YORK COUNTY CODE OF ORDINANCES, CHAPTER 155, ZONING CODE, SO AS TO PROVIDE FOR AND ESTABLISH A NEW "OUTDOOR LIGHTING STANDARDS" SECTION; TO ESTABLISH AND ADD THE OUTDOOR LIGHTING STANDARDS FOR THE COUNTY AND DESIGNATE THE PURPOSE OF THE STANDARDS, THEIR APPLICABILITY TO NEW CONSTRUCTION; TO PROVIDE FOR EXEMPTIONS; TO REQUIRE AN OUTDOOR LIGHTING PLAN, TO ESTABLISH A FIVE (5') FOOT SETBACK, SHIELDING REQUIREMENTS, APPROPRIATE LIGHTING LEVELS, MAXIMUM LIGHT LEVELS AT PROPERTY LINE; TO DESIGNATE SPECIAL USE REQUIREMENTS ASSOCIATED WITH OUTDOOR RECREATION; TO RECOMMEND "DARK-SKY APPROVED" FIXTURES; AND TO ESTABLISH NONCONFORMITIES SUBJECT TO DECLARATION AS PUBLIC NUISANCES REQUIRING CORRECTION; TO AMEND SECTION 155.594 APPLICATION FOR ZONING COMPLIANCE; TO ADD REQUIREMENTS FOR OUTDOOR LIGHTING PLAN; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

BE IT ORDAINED AND ENACTED BY THE COUNTY COUNCIL OF YORK COUNTY, SOUTH CAROLINA:

SECTION 1. Legislative findings.

As an incident to the adoption of this ordinance, the York County Council, as the governing body of York County, South Carolina, has made the following legislative findings:

1.1 The Code of Ordinances of York County, South Carolina, should be amended by amending through amendments to Chapter 155, Zoning Code, in order to clarify the ordinance governing uses which are not set out sufficiently in the Code or which are developing to such a degree or with such impact that additional regulation is needed to safeguard our citizenry and promote orderly prospective treatment of the uses in order to guide development with regard to existing and future zoning needs and promote the public health, safety, convenience, order, appearance, prosperity and general welfare of York County and its citizens.

1.2 Council is empowered to enact ordinances for the implementation and enforcement of powers granted to Council pursuant to Sections 4-9-30 (9), (14), and (17), S.C. Code Ann., as amended, and to exercise such other powers as may be authorized for counties under S.C. Code Ann. Section 6-29-710, as amended.

1.3 Council finds that the amendment and clarification will, inter alia, guide development and provide for the orderly and subsequent growth in the County; facilitate the creation of a convenient, attractive, and harmonious community; regulate the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, public activities, and other purposes; and further the public welfare.

1.4 Specifically, Council finds that regulation of outdoor lighting will strive to minimize light pollution within the County and serve promote the efficient utilization of lighting elements which to date are not sufficiently detailed in the existing code of ordinances and this new regulation will thereby provide protection for the citizens of York County from unwanted light intrusion and promote responsible planning for light usage within the County and thereby maintain the integrity of the County.

SECTION 2. Code of York County Amended.

Chapter 155, ZONING CODE, is hereby amended in the particulars established in Exhibit A, attached and incorporated herewith by reference.

SECTION 3. Public Hearing Required.

The York County Council shall conduct a public hearing after publishing a notice of the date, time and place of such hearing at least fifteen (15) days in advance of such hearing before final legislative action is taken for the adoption of this ordinance.

SECTION 4. Severability.

The provisions of this ordinance are hereby declared to be severable, and if any provision or section of this ordinance is declared to be unconstitutional or unenforceable by the final order of a court of competent jurisdiction, such declaration shall not affect the constitutionality, legality or enforceability of any other section or provision of this ordinance, which shall be deemed severable, valid, enforceable and effective.

SECTION 5. Repeal of inconsistent sections and ordinances.


All sections of the York County Code of Ordinances and all York County ordinances in conflict with this ordinance are hereby amended to the extent of such conflict.

SECTION 6. Effective date.

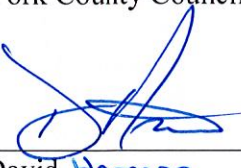
This ordinance shall take effect 60 days following its adoption.

Adopted this 17 day of June, 2019.

YORK COUNTY COUNCIL

By: 

Michael Johnson, Chairman
York County Council

Attest: 

David Harmon
Asst. County Manager

First Reading: May 20, 2019
Second Reading: June 3, 2019
Public Hearing: May 20, 2019
Third Reading: June 17, 2019

The York County Code of Ordinances, ZONING CODE, is hereby amended by providing for new section 155.504, OUTDOOR LIGHTING STANDARDS, to read in its entirety, as follows:

SECTION 155.504 OUTDOOR LIGHTING STANDARDS.

(A) *Purpose.* The purposes of these outdoor lighting standards are to regulate exterior lighting to ensure the safety of motorists and pedestrians and minimize adverse impacts on adjacent properties. More specifically, this section is intended to:

- (1) *Regulate Lighting.* Regulate lighting to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists;
- (2) *Adequate on-site Lighting.* Ensure that all site lighting is designed and installed to maintain adequate lighting levels on-site while limiting negative lighting impacts on adjacent lands; and
- (3) *Provide safety and security for persons, property and vehicular traffic.*

(B) *Applicability.*

- (1) *General.* The provisions of this Section shall apply to all development in the unincorporated County unless exempted in accordance with the Exemptions Section below (Exemptions).
- (2) *Time of Compliance.* A lighting plan shall be included with all county permit applications for new construction. Such plan shall include specifications and descriptions of the lighting fixtures to be used, a detailed site plan which shows the location of all existing and proposed improvements, the location of the lighting fixtures, a point-by-point foot-candle array, and a certification by a qualified design professional that the lighting plan complies with all the requirements contained herein. The same plan requirements shall apply when new lighting fixtures are being erected on an existing developed property

(C) *Definitions.*

- (1) *Fixture.* The assembly that houses the lamp(s), which may include some or all of the following components: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, refractor, or lens.
- (2) *Footcandle.* A unit of measurement referring to the illumination from an exterior lighting device onto a surface at a single point.
- (3) *Fully-Shielded.* A fixture where the light source is not visible off site and allows no light emission directly above a horizontal line parallel to the ground.
- (4) *Glare.* Excessive brightness from insufficiently shielded light sources that cause visual discomfort, annoyance, or reduces visibility.
- (5) *Lumen.* A unit of measurement for the brightness of a light source. One footcandle is one lumen per square foot.
- (6) *Luminaire.* A complete lighting unit consisting of the lamp(s) and all necessary mechanical, electrical, and decorative parts.

(D) *Exemptions.* So long as the proposed fixtures are fully-shielded, new lighting used for the principal purpose of illuminating streets and sidewalks, signage (regulated by the Sign Code), seasonal lighting, single-family detached, single-family attached, and duplex homes are exempt

from the exterior lighting standards of this Section. As are street lights that are maintained, owned, or operated by a utility provider and located within a street right-of-way.

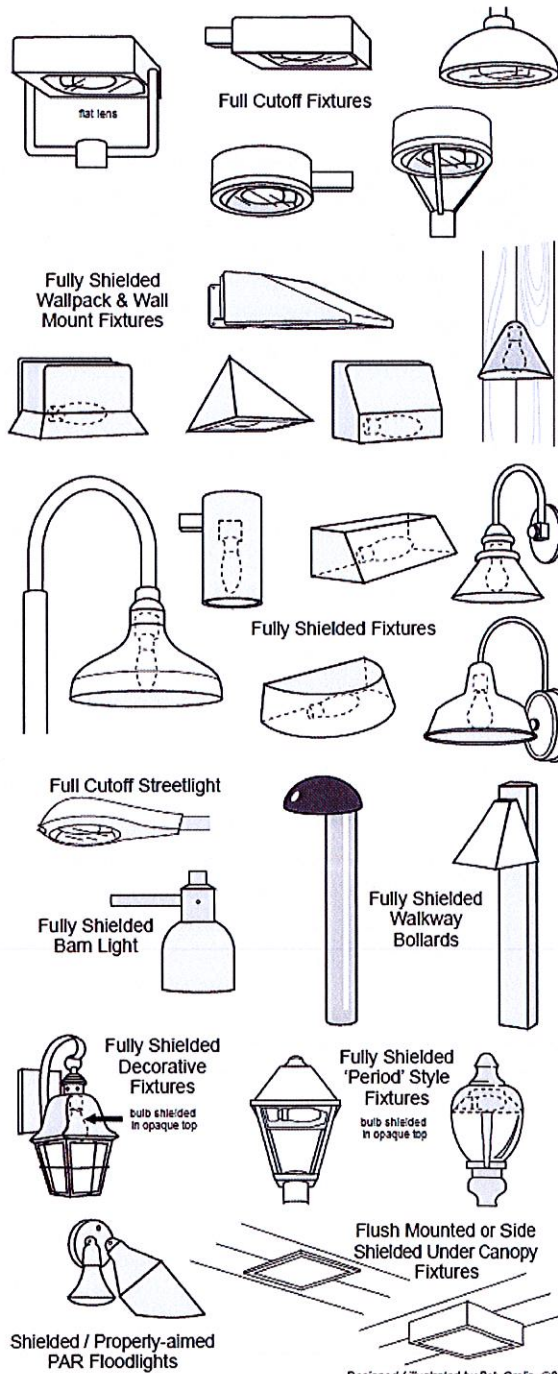
(E) *Design Standards for Exterior Lighting.*

- (1) General.
 - (a) Exterior architectural, display and decorative lighting visible off site shall be generated from a concealed (cut-off) light source with low-level fixtures.
 - (b) Any light fixture shall be of such design, so as to minimize the amount of ambient lighting perceptible from adjacent properties.
 - (c) In no case shall any lighting impair the vision of motorists
 - (d) All interior lighting shall be designed to prevent the light source or high levels of light from being visible from a public right-of-way.
 - (e) Entrances into developments from any street may be lighted for traffic safety reasons, provided such lighting is approved by the agency maintaining the roadway and does not exceed the applicable footcandle requirements specified in the Section on in conformance with the most current version of the American Association of State Highway and Transportation Officials (AASHTO) Roadway Lighting Guide.
 - (f) All exterior lighting shall maintain maximum illumination values of not more than one-half (0.5) footcandles at lot lines adjacent to single-family dwellings or developments and not more than two and one-half (2.5) footcandles at lot lines adjacent to all other uses.
 - (g) All commercial light fixtures shall be located at least five (5) feet from all property lines.
 - (h) Strobe, flashing, blinking, pulsing, and revolving lights are prohibited.

(F) *Light Fixtures.* Any light fixture shall be a cutoff luminaire whose source is completely concealed with opaque housing and shall not be visible from any street. This provision includes lights mounted on poles and buildings, as well as architectural display and decorative lighting visible from streets. Examples of fully-shielded fixtures are provided below.

- (1) Fixtures shall be mounted in such a manner that the cone of light is not directed at any property line of the site.
- (2) Only incandescent, fluorescent, metal halide, LED, or mercury vapor light sources may be used. The same type of lighting must be utilized for all fixtures and light sources on the site.
- (3) Only white or off-white may be used for any light source.
- (4) Wall packs on buildings may be used at secondary entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. Wall packs on the exterior of the building shall be fully-shielded (e.g., true cutoff type bulb or light source not visible from off-site) to direct the light vertically downward and have a light output of 1,000 lumens or less. Wall pack light sources visible from any location off the site are prohibited.

Figure 1: Examples of fully-shielded fixtures



(G) *Illumination Levels.* All site lighting shall be designed so that the level of illumination measured in footcandles (FC) at any one point meets the standards in the table below:

Table 1: Illumination Standards

Illumination Standards			
Location or Type of Lighting	Minimum Level (FC)	Average Level (FC)	Maximum Level (FC)
Landscape and decorative	0.0	0.50	5.0
Commercial parking areas	0.6	2.40	10.0
Multi-Family Residential parking areas	0.2	1.50	10.0
Areas for display of outdoor merchandise	1.0	5.0	15.0
Walkways and streets	0.2	1.0	10.0

Notes: Minimum and maximum levels are measured at any one point. Average level is not to exceed the calculated value, and is derived using only the area of the site included to receive illumination. Points of measurement shall not include the area of the building, or areas which do not lend themselves to pedestrian traffic. If the major portion of the lighting is placed in front of the building, the average level light should not be affected by adding any additional lighting elsewhere on site.

(H) *Illumination of Outdoor Sports Fields and Performance Areas.* Lighting of outdoor sports fields and performance areas shall comply with the following standards.

- (1) **Glare Control Package.** All lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
- (2) **Hours of Operation.** The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.
- (3) **Height of Fixtures.** Light fixtures shall not exceed a height of 80 feet.
- (4) **Buffers Adjacent to Residential Properties.** A landscaped buffer yard sufficient to prevent light and glare spillover to adjacent residential properties may be required by the Director.

(I) *Sign Lighting.* Lighting fixtures illuminating signs shall comply with standards of the Sign Code and such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign face and is not visible from off-site areas.

(J) *Recommended fixtures.* The utilization of fixtures certified as “Dark-Sky Approved” through the International Dark-Sky Association Fixture Seal of Approval (FSA) program is encouraged.

(K) *Nonconforming luminaires.*

- (1) Luminaires in existence as of the effective date of this section shall be considered nonconforming and therefore not subject to the requirements of this section. Such fixtures may be maintained, repaired, and replaced.
- (2) Luminaires in existence as of the effective date of this section that are found to direct light or glare onto rights-of-way and/or residential properties may be declared a public nuisance if the luminaire exceeds the maximum light level at the property line specified herein. Such fixtures shall be altered to reduce the light level to the maximum specified herein within 90 days of receipt of a written notice from the County.”