

ZONING ORDINANCE 20-___

AMENDING ARTICLE 16 (LIGHT POLLUTION) AND ARTICLE 23 (ENFORCEMENT) OF THE COCHISE COUNTY ZONING REGULATIONS

WHEREAS, Arizona Revised Statutes (“A.R.S.”) §§ 11-811, et seq. gives the Cochise County Board of Supervisors (the “Board”) the authority to adopt zoning regulations to address land use; and

WHEREAS, the Board originally adopted Zoning Regulations in Cochise County, pursuant to that authority in 1975, and has with periodic modification, maintained them in effect since that time; and

WHEREAS, the Board recognizes that amendments to the Zoning Regulations can affect countywide land use patterns and therefore, warrants careful consideration of regional impacts; and

WHEREAS, Article 16 of the Zoning Regulations contains all regulations relevant to the installation of all outdoor illuminating devices and Article 23 of the Zoning Regulations addresses violations, enforcement actions and remedies to correct zoning violations; and

WHEREAS, the Board recognizes the general purpose of this amendment is to better support the purpose of Article 16, specifically as it relates to promoting efficient lighting that minimizes man-made light pollution; and

WHEREAS, the Board recognizes the more specific purpose of this ordinance is to mandate the use of shielded light in all permanently used lamps not under a roof or overhang within residential uses, improve definitions associated with this Article, and clarify measurement of light trespass within Article 16, as well as to add the term “outdoor lighting” to Article 23 and delete the stand-alone light pollution enforcement provisions contained in Section 1611; and

WHEREAS, on April 8, 2020, the Planning and Zoning Commission held a duly noticed public hearing of these proposed amendments to the Zoning Regulations, hereby known as Docket R-20-02 (Light Pollution); and

WHEREAS, on May 5, 2020, the Board of Supervisors held a duly noticed public hearing of the proposed amendments to the Zoning Regulation, hereby known as Docket R-20-02, attached hereto as “Exhibit A” that will amend Article 16 and Article 23 of the Cochise County Zoning Regulations and found them to be in the public interest.

NOW, THEREFORE, BE IT RESOLVED THAT by the Board of Supervisors of Cochise County, Arizona that the Cochise County Zoning Regulations shall be amended as contained in “Exhibit A,” attached hereto.

PASSED AND ADOPTED by the Cochise County Board of Supervisors this 5th day of May 2020.

Thomas E. Borer, Chairman
Cochise County Board of Supervisors

ATTEST:

Kim Lemons, CPCC
Clerk of the Board

APPROVED AS TO FORM:

Christine J. Roberts 5/5/2020

Christine J. Roberts,
Chief Civil Deputy County Attorney

ARTICLE 16

LIGHT POLLUTION

Contents of Article 16

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1601 Purpose

1601.01 To achieve effective and efficient lighting, while preserving the safety, security, and well-being of County residents and visitors.

1601.02 To protect and enhance the lawful nighttime use and enjoyment of all property through protection of and access to the dark night skies, and to encourage the conservation of energy and other resources.

1601.03 To specify and encourage lighting practices and systems that will minimize the adverse man-made light pollution effects of sky-glow, glare and light trespass.

1601.04 To ensure that all signs installed in the County are compatible with the County's largely rural character, are in compliance with the Comprehensive Plan, and to ensure that no sign shall be brighter than is necessary for clear and adequate visibility.

1602 Administration

1602.01 Conformance with Applicable Codes

All outdoor electric illuminating devices shall be installed in conformance with all provisions of these Zoning Regulations, Cochise County Subdivision Regulations, and any applicable building codes. Where any provision of any of the Arizona Revised Statutes, or any Federal Law, or any related Cochise County regulation conflicts with the requirements of this Article, the most restrictive shall govern.

1602.02 Approved Material and Methods of Installation

The provisions of this Article are not intended to prevent the use of any material or method of installation not specifically proscribed by this Article, provided any such alternate has been approved. The County Zoning Inspector may approve any such alternate provided the proposed design, material, or method:

- A. Provides approximate equivalence to those specific requirements of this Article, or
- B. Is otherwise satisfactory and complies with the intent of this Article.

1602.03 Applicability

- A. New Uses, Buildings and Additions or Modifications:

The requirements of this Article shall apply to any and all new uses and to additions to existing land uses, developments, buildings, or structures.

- 1. If a major addition occurs on a property with a non-residential use, the entire property shall comply with the requirements of this Article. For purposes of this section, major additions are changes of 50-percent or more in terms of additional dwelling units, gross floor area, or seating capacity, that have occurred either as single or with cumulative additions or modifications which have occurred since March 3, 1982, the effective date of this provision.
 - 2. Minor additions (defined as additions or modifications less than 50-percent of existing uses) on a property with a non-residential use shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site shall meet the requirements of this Article with regard to shielding and lamp type; the total amount of lumens after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this Article, whichever is larger.
- B. Change of Use. Whenever the use of any existing building, structure, or premises is changed to a new use, all outdoor lighting shall be reviewed and brought into compliance with all provisions of this Article before the new use commences.
 - C. Resumption of Use after Abandonment. If a property or use with non-conforming lighting is abandoned as defined in Section 1603, then all outdoor lighting shall be reviewed and brought into compliance with all provisions of this Article before the use is resumed.

1602.04 Special Use Authorization Requirements

Any application or lighting installation not meeting all requirements of this Article, including, but not limited to height, shielding, curfew, or lumen caps shall require a Special Use Authorization pursuant to Article 17. At the time of Special Use Authorization submittal, the proposed lighting system design shall be certified by a knowledgeable Arizona Registered professional or other certified lighting specialist as achieving the minimum illuminance level for the specific activity as recommended by the Illuminating Engineering Society of North America (IESNA) and that the design shall conform to all other applicable provisions of this Article and with aiming angles that permit no greater than five-percent of the light emitted by each fixture to project above the horizontal. The submittal must contain complete specifications, including total lumen/ nit count to meet the requirements of off-site glare and light trespass, as specified in this Article and the Arizona Registered professional or other certified lighting specialist shall provide verification that the correct equipment shall be installed and functioning after installation.

1603 Definitions

Abandonment - The discontinuation of use for a period of three years or more.

Class 1 Lighting - All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, recreational facilities and other similar activities where COLOR RENDITION is important. Class 1 lighting includes metal halide, liquid crystal display (LCD), light emitting diode (LED), plasma, quartz halogen and similar light sources and technologies.

Class 2 Lighting - All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, and outdoor security where GENERAL ILLUMINATION for safety or security is the primary concern.

Class 3 Lighting - All outdoor lighting used for DECORATIVE effects, including but not limited to, architectural illumination, flag and monument lighting, and illumination of vegetation.

Color Rendition - The ability of a light source to faithfully reproduce the colors seen in an object.

Correlated Color Temperature (CCT) - This temperature best indicates the colors of light shining from a bulb or lamp. CCT is listed with all new lighting sources (lamps and bulbs), and by standard, the temperature is given in degrees Kelvin. Low Kelvin numbers represent "warm light and higher numbers represent "cool light".

Decorative - Class 3 lighting which is used for non-utilitarian purposes such as lighting building exteriors, fountains, flags, landscaping, holiday and seasonal decorations.

Developed Site - Acreage refers to the developed area of the site, including, but not limited to area used for buildings, structures, storage and service areas, parking, loading, driveway areas, required setback areas and required landscaping related to the use, but not areas that are only cleared.

Foot-candle, average - A unit of illumination produced on a surface, measured by a light meter at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at four to five feet above the ground. For the purpose of this Article, one foot-candle is equivalent to one lumen per square foot.

General Illumination - Outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, and outdoor security where safety or security of the grounds is the primary concern.

IESNA - Illuminating Engineering Society of North America.

Illuminance - The amount of light striking a surface area, measured in footcandles or lux. For conversion purposes, 1 footcandle (fc) is equal to 10.76 lux (lx).

Installed - The attaching, or assembling in place of any outdoor light fixture.

Lamp - A generic term for a source of "light" often called a "bulb," "tube," "diode," "module," "display," or an "array."

LED (Light Emitting Diode) - A semiconductor diode or bulb that emits light when voltage is applied to it and is used in electronic devices.

Light meter - a device used to measure the amount of light on a surface.

Light Fixture, Fully Shielded - A light fixture constructed, installed, and maintained in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly by reflection or refraction from any part of the fixture, is projected below a horizontal plane running through the lowest part of the fixture.

A practical way to determine if a fixture or tube is fully shielded: if the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

Light Fixture, Outdoor - A complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket). Includes luminous tubes, lamps, or similar devices, permanently installed or portable, used for illumination, decoration, or advertisement.

Light Trespass - Stray electric light in excess of the levels specified in Section 1605.01 falling where it is not wanted or needed. Direct or reflected light that has its source on one site, and illuminates areas beyond the property boundaries. Light trespass is typically produced by stray light from unshielded or misdirected outdoor lighting, and includes glare from direct viewing.

Lumen - A unit used to measure the total amount of light that is produced by a lamp. For the purpose of this code, one lumen is equivalent to one foot-candle per square foot.

Luminaire - A light fixture, including the complete lighting assembly (including lamps, housings, reflectors, lenses and shields), but excluding the support assembly.

Nit - A unit of luminance measured as one candela per meter-squared.

Opaque - Opaque means a material that does not transmit light from an internal illumination source.

Outdoor Light Fixtures - Outdoor electric illuminating devices, outdoor fixtures, lamps and other devices; searchlights, spot lights, flood lights, permanently installed or portable, used for illumination, emergency, security or commercial purposes. Such devices shall include, but are not limited to, lights for:

- A. Parking lots
- B. Roadways
- C. Buildings and structures
- D. Recreational areas and facilities
- E. Landscaping decorative effects

- F. Billboards and signs (advertising and other)
- G. Product display areas

Outdoor Recreational Facility - An area designed for active recreation, whether publicly or privately owned, including but not limited to parks, baseball or softball diamonds, soccer and football fields, golf courses, tennis courts, and roping/equestrian arenas.

Person - Shall mean any private individual, tenant, lessee, owner, or any commercial entity including but not limited to companies, partnerships, joint ventures, or corporations.

Residential Lighting - Residential refers to outdoor lighting for single household dwellings.

Searchlight - A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp and with a swiveled or gimballed mount to allow the assembly to be easily redirected. Such lights are commonly used to sweep the sky for advertisement purposes.

Shield - A device that is attached onto or inserted into a luminaire to alter the direction of light being emitted. A luminaire that has a shield attached or inserted is considered to be "shielded."

Sign, Digital - A type of unshielded electronic display that can show programming, menus, information, advertising, and other messages. Digital signs are lighted and utilize technologies such as Liquid Crystal Display (LCD), (Light Emitting Diodes) LED, plasma displays, or projected images to display content.

Sign, Illuminated - For the purposes of this Article, a sign lighted by or exposed to artificial lighting either by lights within the sign or directed toward the sign.

Sky-glow - The undesirable and unnecessary emission of light rays, directly or indirectly, into the night sky.

Uplighting - A lamp or light designed or positioned to cast its light upwards.

Use, Non-Residential - The use of land for a purpose other than single-household dwelling units.

Watt - The unit used to measure the electrical power consumption (not the light output) of a lamp.

1604 Procedures for Lighting Compliance

1604.01 Applications

- A. Any individual applying for a building or use permit under these Zoning Regulations intending to install outdoor light fixtures shall as a part of said application submit evidence that the proposed work will comply with this Article.
- B. All other individuals intending to install, replace or improve any outdoor light fixture shall comply with the provisions of this Article, and if a permit is required by these Zoning Regulations or Building Codes, submit an application to the County Zoning Inspector providing evidence that the proposed work will comply with this Article.

1604.02 Contents of Application or Submission

The following plans and descriptions shall be sufficiently complete to enable the County Zoning Inspector to readily determine whether the project will be in compliance with the requirements of this Article. If such plans and descriptions are not sufficient to enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance prepared by a certified illumination engineer. The submission shall contain:

- A. Plans indicating the location on the premises, and the type of all illuminating devices, existing and proposed, as well as total lumens or nits emitted.

- B. Description of the existing and proposed illuminating devices, fixtures, lamps, supports and other devices, and the initial lumen output. This description shall include but is not limited to, manufacturers' catalog cuts, photographs, diagrams and/or drawings.

1604.03 Issuance of Permits

Upon compliance with these lighting provisions, as well as the other requirements for permit issuance, the County Zoning Inspector shall issue a permit. The appeal procedures of these Zoning Regulations for decisions of the County Zoning Inspector shall apply in the event of any dispute as to the application of this Article.

1604.04 Amendment to Permit

Substitution of outdoor light fixtures or lamps after a permit has been issued requires County Zoning Inspector approval prior to installation. Amendments to permits for the installation of outdoor light fixtures require adequate information to assure compliance with Section 1604.02 of this Article.

1604.05 Accessibility for Inspections

The Applicant will provide a means to safely inspect any digital sign over five-feet tall from the ground.

1605 General Requirements

1605.01 Light Trespass and Glare

- A. All fixtures and lamps shall be located, installed, directed, shielded, and maintained to avoid light trespass and to minimize direct light and/or glare on neighboring properties and roadways. Accent lighting shall be directed onto the building or object and not toward the sky or onto adjacent properties.
- B. ~~For a receiving residential site, the~~ The level of light trespass shall not exceed ~~0.2-foot-candles~~ 0.2 lumens as measured with a lumen meter's sensor perpendicular to the light source at a height of five-feet above the ground and at the property line of a residential property. For a receiving non-residential ~~site~~ property, the level of light trespass shall not exceed 0.5-footcandles under the same parameters.

1605.02 Height

- A. Residential Sites: The overall height of lighting fixtures (including the base) shall not exceed 20-feet above ground level, except for residential sites with a minimum parcel size of four-acres or larger, lighting fixtures which are located 50-feet or more from any property line shall not exceed 30-feet in height (including the base) above ground level.
- B. Non-Residential Sites: Except as provided herein for specific uses, the overall height of lighting fixtures (including the base) on all non-residential sites shall not exceed 30-feet above ground level, except in the GB, LI and HI Zoning Districts, the overall height of lighting fixtures located at least 100-feet from any property line shall not exceed 35-feet in height above ground level (including the base). Digital signs shall meet all requirements per Section 1907.02 of Article 19.

1605.03 Lighting Types, Shielding and Curfew Requirements

- A. Lighting Types
 - 1. All street lights shall be fully shielded.

2. Low Pressure Sodium lamps are the preferred lamp type for minimizing adverse effects on astronomical observations.

B. General Shielding Requirements

1. All light fixtures required to be fully shielded shall be installed and maintained in a fashion that maintains the fully-shielded characteristics.
2. All uplighting is prohibited, except
 - a. The lighting of one flagpole. The light shall be focused on the flag and shall not exceed 2,000 lumens. Off-site glare and light trespass shall be eliminated by the use of shielding. Flags that include advertising, business trademarks or symbols, or other forms of commercial communication may not be uplighted at any time.
 - b. Low voltage or solar landscape lighting not exceeding 150 lumens per fixture.

C. Shielding Requirements for Residential Uses

1. For residential uses, ~~any all permanently used lamp types with output of 1,000 lumens or more shall be fully shielded. If multiple lamps of less than 1,000 lumens are used, and the total lumens are greater than 1,000 lumens in total then shielding is required.~~
2. Lighting for multiple household dwellings is not considered Residential, and must comply with all requirements for non-residential lighting, including, but not limited to lumen caps and curfews for decorative lighting.
3. ~~All light fixtures located within 25 feet of the property line adjacent to a residential use shall use fully shielded luminaries.~~
4. Unshielded lighting for residential uses under roof or porch overhangs shall be considered compliant provided such lighting meets the light and trespass glare requirements of 1605.01.
5. Seasonal decorations using typical unshielded low-lumen incandescent lamps shall be permitted from Thanksgiving to January 15.

D. Shielding and Curfew Requirements for Non-Residential Uses

1. All non-residential light fixtures except for unshielded signs shall be fully-shielded.
2. Any Class 1 (Color Rendition), Class 2 (General Illumination), or Class 3 (Decorative Illumination) lamp type shall be shielded in accordance with Table 16.1.
3. All Class 1 (Color Rendition) and Class 3 (Decorative Illumination) lighting shall be extinguished between 11 p.m. (or when the business closes, whichever is later) and sunrise, except:
 - a. Seasonal decorations using typical unshielded low-lumen incandescent lamps shall be permitted from Thanksgiving to January 15.
 - b. Low voltage landscape lights rated at 150 lumens or less provided the total unshielded lumens do not exceed 1,000 lumens.

- c. Self-contained solar lights rated at 10 watts or less.
- 4. All light fixtures located within 25-feet of the property line adjacent to a residential use shall use fully shielded luminaires.

1605.04 Total Outdoor Light Output

- A. Total outdoor light output, including that for all signs, shielded or unshielded, shall not exceed the limits in Table 16.1. The values in this table are upper limits and not design goals; design goals should be the lowest levels that meet the requirements of the task to reduce glare and reduce energy costs.
- B. Shielded flood lights, properly aimed down, at no more than 45 degrees, not to exceed 2,000 lumens per bulb and controlled by a motion sensor device shall be exempt from lumen caps, provided fixtures remain on for short periods only, and not to remain on over 10 minutes after the area has been vacated.
- C. Low voltage seasonal decorations, permitted between Thanksgiving and January 15, are not counted toward these limits.
- D. Total outdoor light output for various Zoning Districts is specified in Table 16.1. These maximums are referred to as lumen caps.

Table 16.1

MAXIMUM TOTAL OUTDOOR LIGHT OUTPUT STANDARDS LUMEN CAPS

All Uses in Commercial and Industrial Zoning Districts (NB, GB, LI, HI)⁵	
Total shielded	150,000-lumens per acre of developed site ^{1, 4, 5}
Total Unshielded	3,000-lumens per acre of developed site ^{2,3,5}
Non-Residential Uses in Residential and Rural Zoning Districts ⁶	
Total shielded	75,000-lumens per acre of developed site ^{1,4,5}
Unshielded	3,000-lumens per acre of developed site ^{2,3,5}
Residential Uses in Residential and Rural Zoning Districts Lots one acre or larger	
Shielded	20,000-lumens per acre of developed site ⁵
Unshielded	2,000-lumens per acre of developed site ^{2,3}
Residential Uses in Residential and Rural Zoning Districts Lots less than one acre	
Shielded	10,000-lumens per residence
Unshielded	2,000-lumens per residence ^{2,3}
Digital Signs	
Limited to one sign per developed site with a maximum of 200-nits per site	
Correlated Color Temperature (CCT)	
Maximum CCT of 3,000K permitted for non-residential lamps	

¹ Lumens for all signs are to be included in these caps except as provided in Section 1607.02.
² Any lamp with output of 1,000-lumens or more shall be fully shielded.
³ Does not include the 2,000 lumen lighting exception for flagpoles (Section 1605.03) and floodlights on a motion sensor (1605.04).
⁴ All lighting except for safety lighting (Class 2) shall be extinguished between 11 p.m. (or close of business, whichever is later) and sunrise.

- ⁵ Acreage refers to the developed area of the site, including, but not limited to area used for buildings, structures, storage and service areas, parking, loading, driveway areas, required setback areas and required landscaping related to the use, but not areas that are only cleared.

1606 Prohibitions

1606.01 Searchlights, Laser Lights

The operation of searchlights, laser lights, or any similar high intensity light for outdoor advertising or commercial purposes is prohibited.

1606.02 Recreational Facilities

No outdoor recreational facility, public or private, including those with non-conforming lighting shall be illuminated after 11 p.m. except to conclude a specific scheduled event that was unable to conclude before the curfew due to unusual circumstances.

1606.03 Mercury Vapor

The installation of new mercury vapor outdoor light fixtures is prohibited. The use of legal, non-conforming (installed prior to March 3, 1982) mercury vapor light fixtures is prohibited after January 1, 2011.

1607 Signage

1607.01 External Illumination

External illumination for signs shall conform to the shielding restrictions and lumen caps of Table 16.1. All upward-directed sign lighting is prohibited.

1607.02 Internal Illumination

- A. Outdoor internally illuminated signs are considered unshielded and shall be adequately sealed and maintained to prevent light leakage.
- B. Neon signs shall be treated as internally illuminated signs for the purpose of this Article. Neon lighting extending beyond the sign area shall be considered Class 3 decorative lighting, and shall be subject to the standards applicable for such lighting including, but not limited to, the shielding standards and lumen caps of Table 16.1.
- C. Digital signs that meet the standards as listed in Article 19 are permitted. Digital signs shall be considered unshielded and restricted to total lumen cap per Table 16.1 of this Article. Applicant must supply documentation indicating maximum nit capability for each segment of a digital sign, and demonstrate ability to meet the total nit cap per Table 16.1 of this Article.

1607.03 Other Illuminated Panels

Other internally-illuminated panels or decorations not considered to be signage according to this Article, such as illuminated canopy margins or building faces shall be considered Class 3 Lighting and shall be subject to the standards applicable for such lighting including, but not limited to, the shielding standards and lumen caps of Table 16.1.

1607.04 Curfew

- A. Illumination for advertising signs, both externally and internally illuminated, shall be turned off at 11 p.m., or when the business closes, whichever is later. Signs subject to curfews are encouraged to have automatic shut-off timers.

B. Digital signs shall be permitted from sunrise to sunset, except as permitted in Article 19.

1608 Permanent Exemptions

1608.01 Nonconforming Fixtures

Except as provided in Section 1602.03, all outdoor light fixtures existing and legally installed after March 3, 1982 and prior to December 1, 2005, with the exceptions found in Section 1606.02 (curfew for outdoor recreation facilities) and 1606.03 (mercury vapor), may remain “non-conforming” indefinitely; provided, however, that no change in use, fixture replacement, structural alteration, or restoration after abandonment of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this Article.

1608.02 Fossil Fuel Fixtures

Light produced by the combustion of natural gas or other utility-type fossil fuels is exempt from the lumen cap and shielding requirements of this Article.

1608.03 Equipment and Signal Lights

Equipment and signal lights necessary for agricultural equipment or required by State or Federal regulations shall be by the least obtrusive means that meets the applicable operating or regulatory requirements.

1608.04 Federal and State Facilities

Those facilities and lands owned, operated, or protected by the U.S. Federal Government or the State of Arizona are exempt by law from all requirements of these provisions. Voluntary compliance with the intent of this Article at those facilities is encouraged.

1608.05 Emergency Lighting

Temporary lighting to facilitate immediately necessary repairs or similar emergency, such as actions of a public or private utility company necessary to continue or resume service shall be allowed. Lights shall be arranged to reflect light away from and prevent glare to adjoining residential properties and public rights of way to the extent feasible.

1608.06 Agricultural operations

Those agricultural operations that meet the minimum requirements for zoning exemption are also exempt from this Article.

1608.07 Special Exemption

The Zoning Inspector may grant a special exemption to the requirements of this Article only upon a written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.

1609 Temporary Exemptions

1609.01 Requests for Temporary Exemptions

Any individual as defined herein may submit a written request to the County Zoning Inspector for a “temporary exemption” to the requirements of this Article. Such exemption will be valid for 30-

calendar days, renewable at the discretion of the County Zoning Inspector. The request for Temporary Exemption shall contain at least the:

- A. *Specific exemptions requested.*
- B. *Specific reasons why the requirements listed in this Article cannot be met.*
- C. *Type and use of exterior light involved.*
- D. *Duration of time for requested exemption.*
- E. *Type and number of lamps and calculated lumens.*
- F. *Total lumens of lamp or lamps.*
- G. *Proposed location and height of exterior lights.*
- H. *Previous temporary exemptions, if any.*
- I. *Physical size of exterior light and type of shielding provided.*

In addition to the data above, the County Zoning Inspector may request any additional information to allow a reasonable evaluation of the Request for Temporary Exemption.

1609.02 Appeals for Temporary Exemptions

The County Zoning Inspector, within 15-calendar days from the date of the properly completed Request for Temporary Exemption, shall approve or reject the Request in writing. If rejected, the individual making the Request shall have the right of appeal to the appropriate Board of Adjustment as any other appeal of the County Zoning Inspector's determinations.

1609.03 Private Security Lighting/ Lighting Installed by an Electric Utility

Non-compliant lighting that was installed in good faith by an electric utility shall be brought into conformance with this Article within five-years of adoption; however, individual light fixtures which are the subject of a citizen complaint or County enforcement action shall be brought into conformance within 30-calendar days of notification of the property owner.

1610 Special Activities

1610.01 Outdoor Recreational Facilities

- A. **Shielding:** All outdoor recreational facilities shall utilize fully-shielded luminaires that are installed in a fashion that maintains the fully-shielded characteristics.
- B. **Height:** The maximum height for pole-mounted luminaires for outdoor recreational facilities is 40-feet.
- C. **Lighting for public and private outdoor athletic fields, courts, tracks or arenas,** shall be considered Class 1 (Color Rendition).
- D. **Facility lighting shall meet shielding, lumen caps, height limits and all other restrictions of this Article:**

If meeting all requirements is infeasible, pursuant to Section 1602.04 a Special Use Authorization is required.
- E. **Off-site Trespass:** The facility shall limit off-site trespass to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties.

- F. Curfew: All events shall be scheduled to complete activity before 11 p.m. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances.
- G. All lighting not directly associated with the playing field (e.g. parking lot lighting, concession stand lighting, etc.) shall use Class 2 lighting and shall conform to all requirements of Section 1605 of this Article.

1610.02 Outdoor Display Lots

Lighting for display lots shall be considered Class 1 (Color Rendition), and shall be in compliance with the following standards:

- A. Shielding: All display lot lighting shall utilize fully-shielded luminaires that are installed in a fashion that maintains the fully-shielded characteristics.
- B. Height: The maximum height for pole-mounted luminaires for outdoor display lots is 40-feet.
- C. Display lot lighting shall meet shielding, lumen caps, height limits, and all other restrictions of this Article.

If meeting all requirements is infeasible, pursuant to Section 1602.04 a Special Use Authorization is required.

- D. Curfew: Display lot lighting shall be turned off between 11 p.m. and sunrise or within 30 minutes after closing of the business, whichever is later. Lighting in the display lot after this time shall be considered Class 2 lighting and shall conform to all restrictions of this Article, including the lumen caps in Table 16.1.
- E. Off-site trespass: The facility shall limit off-site trespass to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties

1610.03 Service Station Under Canopy Lighting

Lighting for service station canopies shall be considered Class 1 lighting (Color rendition) and shall be subject to the curfew requirements in Section 1605.03 of this Article.

- A. Shielding: All luminaires are to be flush with, or recessed into the lower surface of service station canopies and shall be fully shielded and utilize flat lenses.
- B. Total Under-Canopy Output: The total light output used for illuminating service station canopies is defined as the sum of all under-canopy initial bare lamp outputs in lumens and shall not exceed 40 lumens per square foot of canopy. Twenty-five percent of the lumens from fully shielded outdoor lighting fixtures installed under canopies shall be counted toward the lumens caps in Table 16.1.
- C. Illuminated canopy margins shall be considered Class 3 (Decorative) lighting.

1610.04 Wireless Communications Towers

If tower lighting is required, it shall be the least obtrusive that meets FAA requirements.

1611 Enforcement

1611.01 Violations Deemed a Nuisance

Any outdoor lighting established or maintained in violation of the Article is unlawful and constitutes a public nuisance. The Applicant will provide a means to safely inspect any digital sign over five feet tall from the ground.

1611.02 Action to Enforce Regulations

For any violation of this Article, the County Attorney may, and upon order of the Board of Supervisors shall, commence all necessary actions or proceedings to enforce this Article including, but not limited to, actions to abate, enjoin, or remove the violating outdoor lighting fixture.

1611.03 Jurisdiction of Hearing Officer

The Hearing Officer who has been designated to hear zoning violation proceedings under these Zoning Regulations shall also hear any violation proceedings under this Article.

1611.04 Rules of Procedure

The rules of procedure for hearings on zoning violations before the County Hearing Officer shall apply to violation proceedings arising under this Article.

1611.05 Remedies

All remedies concerning this Article shall be cumulative and not exclusive. Conviction and punishment of any person hereunder shall not relieve such persons from the responsibility of correcting prohibited conditions or removing prohibited outdoor lighting fixture, and shall not prevent the enforced correction or removal thereof. In addition to the other remedies provided herein, any adjacent or neighboring property owner specially damaged by the violation of any provision of this Article may institute, in addition to any other appropriate remedy or proceeding an action for injunction, mandamus, or proceeding to prevent, abate, or remove such unlawful outdoor lighting fixture.

1611.06 Penalties

- A. Any person, firm or corporation whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of this Article or who violates or fails to comply with any order or regulation made hereunder shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable as provided for Class 2 misdemeanors by Arizona Revised Statutes. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during which such violation or failure to comply with this Article is committed, continued, or permitted.
- B. Paragraph A notwithstanding, each violation of this Article or failure to comply with any order or regulation hereunder may be processed by the County Zoning Inspector as a violation subject to a civil penalty as provided by Arizona Revised Statutes and heard by a duly appointed Hearing Officer, pursuant to the written rules of procedure for such hearings, as approved by the Board of Supervisors. Each day the violation continues, a separate violation will be incurred. Maximum fines are \$750.00 for individuals and \$10,000.00 for an enterprise, defined as a corporation, association, labor union, or legal entity.

ARTICLE 23

ENFORCEMENT

2301 Violations Deemed a Nuisance

Any building, structure, outdoor lighting, or use erected or maintained or any use of property contrary to the provisions of these Zoning Regulations is unlawful and constitutes a public nuisance.

2302 Action to Enforce Regulations

For any violation of these Zoning Regulations, the County Attorney may, and upon order of the Board of Supervisors, shall commence all necessary actions or proceedings to enforce these Zoning Regulations including, but not limited to, actions to abate, enjoin, or remove the violating building, structure, outdoor lighting fixture, or use.

2303 Remedies

All remedies concerning these Zoning Regulations shall be cumulative and not exclusive. Conviction and punishment of any person hereunder shall not relieve such persons from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures, or improvements and shall not prevent the enforced correction or removal thereof. In addition to the other remedies provided herein, any adjacent or neighboring property owner specially damaged by the violation of any provision of these Zoning Regulations may institute, in addition to any other appropriate remedy or proceeding an action for injunction, mandamus, or proceeding to prevent, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

If a property is in violation the County Zoning Inspector may shorten the length of the permit to complete the project.

2304 Penalties

- A. Any person, firm or corporation whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of these Zoning Regulations or who violates or fails to comply with any order or regulation made hereunder shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable as provided for Class 2 misdemeanors by Arizona Revised Statutes. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during which such violation or failure to comply with these Zoning Regulations is committed, continued, or permitted.
- B. Paragraph A notwithstanding, each violation of these Zoning Regulations or failure to comply with any order or regulation hereunder may be processed by the County Zoning Inspector as a violation subject to a civil penalty as provided by Arizona Revised Statutes, and heard by a duly appointed hearing officer, pursuant to the written rules of procedure for such hearings, as approved by the Board of Supervisors.