

ORDINANCE NO. 1171

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, REPEALING AND REPLACING TITLE 17, CHAPTER 17.132 DARK SKIES TO UPDATE AND ENHANCE THE EXISTING ORDINANCE IN ORDER TO ALIGN WITH CHANGING TECHNOLOGIES, BEST PRACTICES, AND INTERNATIONAL DARK SKIES ASSOCIATION STANDARDS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ketchum is authorized to amend the city zoning ordinance pursuant to Idaho Code § 67-6511; and

WHEREAS, the City adopted its first Dark Sky lighting regulations on June 21st, 1999, with the ordinance taking effect on June 30, 1999, for the purpose of protecting against direct glare of excessive lighting, to provide safe roadways for motorists, cyclists and pedestrians, to protect and reclaim the ability to view the night sky and help preserve the quality of life and the tourist experience, to prevent light trespass in all areas of the city, to promote efficient and cost effective lighting, to ensure that sufficient lighting could be provided where needed to promote safety and security, to allow for flexibility in the style of lighting fixtures, to provide lighting guidelines, to provide assistance to property owners and occupants in bringing nonconforming lighting into conformance with the chapter, and to work with other jurisdictions within Blaine County to meet the purposes of the chapter; and

WHEREAS, the City of Ketchum adopted one of the first Dark Skies ordinances in the state of Idaho; and

WHEREAS, the benefits of dark skies are readily experienced by residents and visitors alike; and

WHEREAS, the values of dark skies are enumerated in the 2014 Comprehensive Plan; and

WHEREAS, the City desires to update and enhance the existing Dark Skies ordinance in order to reflect changing technologies and practices and to align with the International Dark Skies Association (IDA)'s minimum standards; and

WHEREAS, alignment with IDA's minimum standards increases the City's eligibility to receive International Dark Skies Community (IDSC) designation; and

WHEREAS, the Planning and Zoning Commission after fully considering this request held a public hearing on March 13, 2017 and recommended approval to the City Council finding that the amendments, on the whole, were in compliance with the 2014 Comprehensive Plan; and

WHEREAS, the Ketchum City Council, having reviewed the proposed text amendments, and holding a public hearing on April 3, 2017; and

WHEREAS, the Ketchum City Council having considered the recommendation of the Planning and Zoning Commission and submitted comments and testimony from the public, having

determined that it is in the best interests of the public and adopt the proposed text amendments to Title 17, Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM

Section 1: AMENDMENTS TO CHAPTER 17.132 DARK SKIES. That Title 17 of the Ketchum Municipal Code be amended to delete Chapter 17.132 in its entirety and replaced with a revised Chapter 17.132 as attached and incorporated as Exhibit A to this Ordinance.

Section 2. REPEALER CLAUSE. All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

Section 3. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4: PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit B shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

Section 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

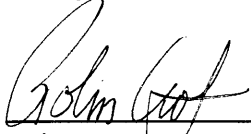
PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho on this 15th day of May, 2017.

APPROVED:



Nina Jonas, Mayor

ATTEST:



Robin Crotty, Interim City Clerk

EXHIBIT A
Chapter 17.132
DARK SKIES

17.132.010: GENERAL PROVISIONS:

- A. Title: This chapter, together with the amendments codified in this chapter, shall be known and may be cited as the KETCHUM DARK SKY ORDINANCE.
- B. Purposes: The general purpose of this chapter is to protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky by establishing regulations and a process of review for exterior lighting. This chapter establishes standards for exterior lighting in order to accomplish the following:
 - 1. To protect against direct glare and excessive lighting;
 - 2. To provide safe roadways for motorists, cyclists and pedestrians;
 - 3. To protect and reclaim the ability to view the night sky, and help preserve the quality of life and the tourist experience;
 - 4. To prevent light trespass in all areas of the city;
 - 5. To promote efficient and cost effective lighting;
 - 6. To ensure that sufficient lighting can be provided where needed to promote safety and security;
 - 7. To allow for flexibility in the style of lighting fixtures;
 - 8. To provide lighting guidelines;
 - 9. To provide assistance to property owners and occupants in bringing nonconforming lighting into conformance with this chapter; and
 - 10. To work with other jurisdictions within Blaine County to meet the purposes of this chapter.
- C. Scope: All exterior lighting installed after the effective date hereof in any and all zoning districts in the city shall be in conformance with the requirements established by this chapter and any other applicable ordinances. All existing lighting installed prior to the effective date hereof in any and all zoning districts in the city shall be addressed as follows:
 - 1. All existing lighting located on a subject property that is part of an application for a city planning department design review, conditional use, subdivision permit, or building permit is required to be brought into conformance with this chapter. Conformity shall occur prior to issuance of a certificate of occupancy, final inspection or final plat recordation, when applicable. For other permits, the applicant shall have a maximum of thirty (30) days from date of permit issuance to bring the lighting into conformance.
 - 2. All existing exterior commercial lighting that is not in conformance with this chapter shall be brought into conformance with this chapter by June 30, 2018.
 - 3. All existing lighting that does not meet the requirement of section 17.124.060 of this title, which states that "any parking, yard or building illumination in (any) zoning (district) shall be so directed as to protect adjacent properties from glare and direct lighting", is required to be brought into conformance with section 17.132 of this title.
 - 4. All existing exterior residential lighting, not affected by subsections C1 and C3 of this section, that does not comply with this chapter is required to be brought into conformance with this chapter by June 30, 2019.
 - 5. In the event of a discrepancy in applicable ordinances, the most restrictive shall apply.

17.132.020: Applicability

- A. The commission, the building official and/or the administrator shall have the authority to require new lighting and existing lighting pursuant to subsection 17.132.010.C.1 of this chapter to meet the requirements of this chapter.
- B. Lighting Plans Required: All applications for design review, conditional use, subdivision and/or building

permits shall include lighting plans showing location, type, height, color temperature, lumen output and amount of all proposed and existing fixtures. The applicant shall provide enough information to verify that lighting conforms to the provisions of this chapter. The administrator, commission and/or building official shall have the authority to request additional information in order to achieve the purposes of this chapter.

17.132.030: Lighting Standards

- A. Color Temperature: All exterior lighting shall utilize light sources not to exceed 2700 kelvin.
- B. Light Trespass and Overlighting: All existing and/or new exterior lighting shall not cause light trespass and shall protect adjacent properties from glare and excessive lighting. All vehicle lighting originating from a commercial property shall be shielded from other adjacent properties. Incidental light trespass (lighting emanating from turning motor vehicles or motion sensor lighting) is permitted.
 - 1. All lighting emitting from any zoning lot shall not cause the light level along any property line, as measured at a height of 60 inches above grade in a plane at any angle of inclination, to exceed the limitations listed in Figure 1: light trespass Matrix.

Figure 1: Light Trespass and Overlighting Matrix

Zone of Light Source	Impacted Zone	Maximum Foot-Candle Limits
Non-commercial (LR, LR-1, LR-2,GR-L,GR-H,STO-.4, STO-1,STO-H,RU,AF)	Non-commercial (LR, LR-1, LR-2,GR-L,GR-H,STO-.4, STO-1,STO-H,RU,AF)	0.1 foot-candles
Non-commercial (LR, LR-1, LR-2,GR-L,GR-H,STO-.4, STO-1,STO-H,RU,AF)	Commercial Zones (CC, T,T-3000, T-4000, LI-1,LI-2,LI-3)	0.5 foot-candles
Commercial Zones (CC, T,T-3000, T-4000, LI-1,LI-2,LI-3)	Non-commercial (LR, LR-1, LR-2,GR-L,GR-H,STO-.4, STO-1,STO-H,RU,AF)	0.1 foot-candles
Commercial Zones (CC, T,T-3000, T-4000, LI-1,LI-2,LI-3)	Commercial Zones (T,T-3000, T-4000, LI-1,LI-2,LI-3)	0.5 foot-candles
Community Core (CC)	Community Core (CC)	No limit

- C. IESNA Guidelines: The commission or Administrator may require that any new lighting or existing lighting that comes before them meet the standards for maximum Illuminance output as established by IESNA.
- D. Nonessential Exterior Commercial and Residential Lighting: All nonessential exterior commercial and residential lighting shall be turned off after business hours and/or when not in use. Lights on a timer shall be used. Sensor activated lights shall be used to replace existing lighting that is desired for security purposes.
- E. Area Lights:
 - 1. All area lights, including streetlights and parking area lighting, shall be level mounted and eighty-five degrees (85°) full cutoff type fixtures.
 - 2. Residential Streetlights shall be limited to one-thousand two hundred (1125) lumens, unless otherwise recommended by the Public Works Department.
 - 3. Nonresidential Streetlights shall be limited to one-thousand five hundred (1500) lumens, unless otherwise recommended by the Public Works Department.
 - 4. Lights on major intersections on state highways shall be limited to three-thousand (3000) lumens, unless otherwise recommended by the Public Works Department.
 - 5. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level. Parking lot

lighting shall not exceed IESNA recommended illuminance (foot-candle) level and are encouraged to utilize the lowest range available.

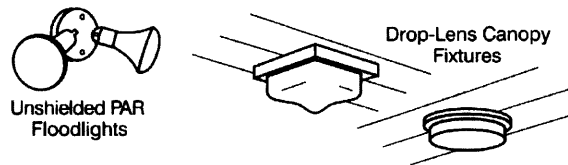
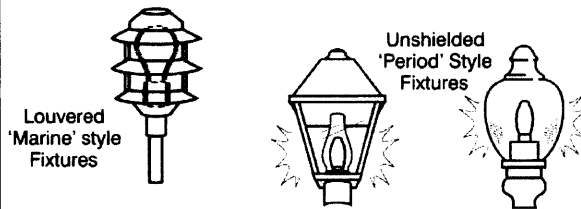
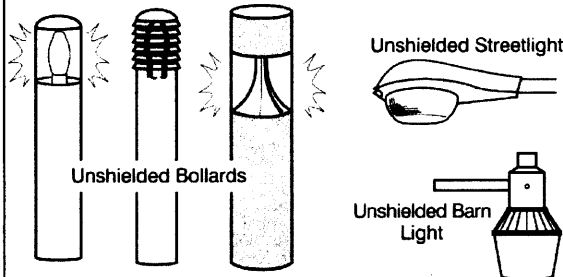
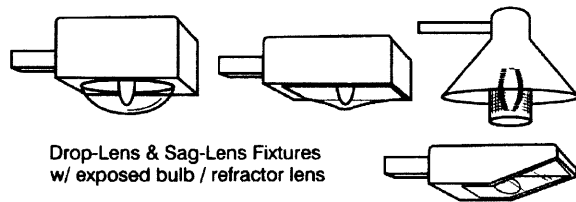
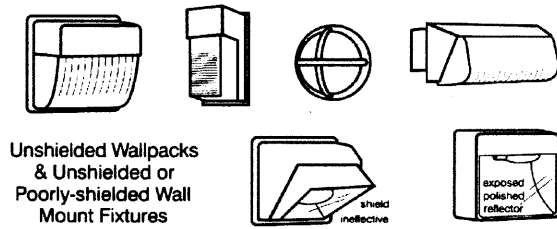
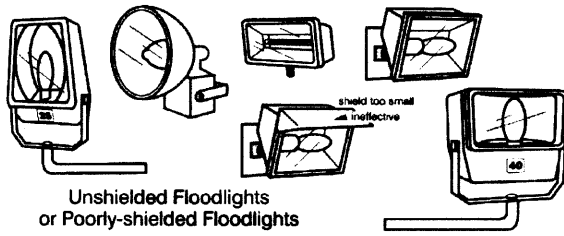
6. All freestanding area lights within a residential zone, except streetlights, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary.
 7. Luminaire Mounting Height: Freestanding luminaires shall be no higher than twenty-five feet (25') above the stand/pole base; except, that luminaires used for playing fields shall be exempt from the height restriction, provided all other provisions of this chapter are met and the light is used only while the field is in use; and except, that streetlights used on major roads may exceed this standard if necessary as determined by the city council, as advised by a lighting engineer. Building mounted luminaires shall be attached only to walls, and the top of the fixture shall not exceed the height of the parapet or roof, whichever is greater.
 8. Area lights on a timer, sensor activated, or turned off at 10:30 pm are exempt from section 17.132.030B of this chapter, provided all other standards of this section are met.
- F. Uplighting: Uplighting is prohibited in all zoning districts, except as where permitted in this chapter.
- G. Public Outdoor Lighting: Public outdoor lighting, including holiday lighting, shall be permitted to ensure the safety and enjoyment of the intended public use. All public lighting shall comply with the standards established herein and shall be turned off after hours of operation or when not in use. When practically possible, motion sensors may be used. Public Outdoor Lighting is exempt from lighting curfews and exempt from section 17.132.030B of this chapter.
- H. Lighting Fixtures:
1. All exterior lighting shall comply with the acceptable lighting fixtures located in Figure 2. All exterior lighting fixtures shall be full cutoff fixtures with the light source fully shielded, except as exempted in this chapter.
 2. The following figures and information sheets shall be incorporated into this chapter as guidelines for the public and the city for use in meeting the intent of this chapter. The figures and information sheets only serve as examples. The city does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples. Additional information is provided at the Ketchum planning department.

Figure 2: Lighting Fixture Guidelines

Examples of Acceptable / Unacceptable Lighting Fixtures

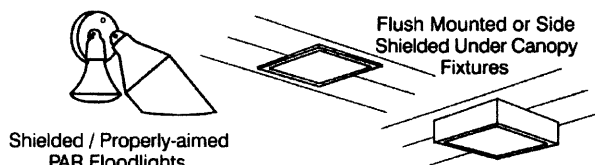
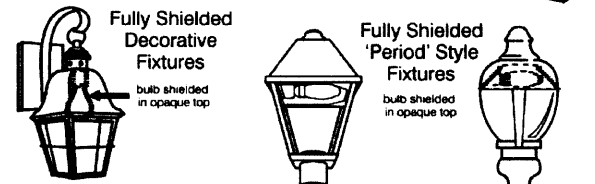
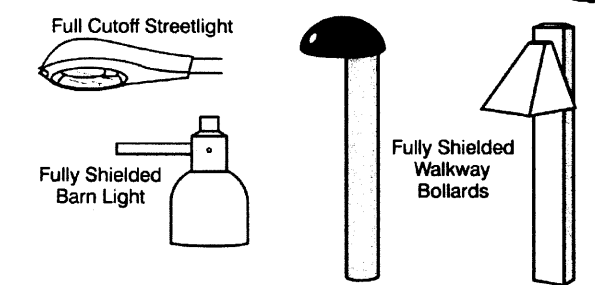
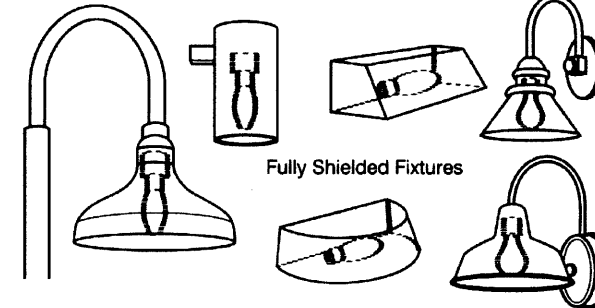
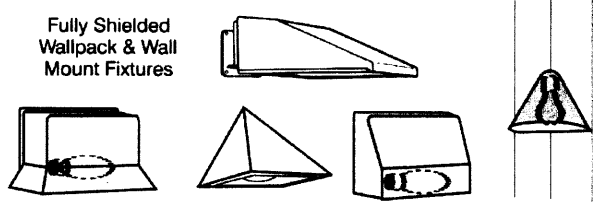
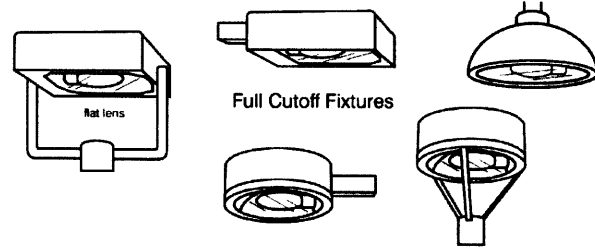
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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I. Lighting Fixture Exceptions and Additional Requirements

<u>Type of Lighting</u>	<u>Full Cutoff Light Fixture</u>	<u>Light Trespass Standards</u>	<u>Additional Requirements</u>
Canopy Lighting	Required	Not exempt	<ul style="list-style-type: none"> - All canopy lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent property.
Holiday Lights	Not Required	Exempt	<ul style="list-style-type: none"> - Shall only be displayed from November 20th to March 20th. - Exempt from color temperature requirements set forth in this chapter. - All new holiday lighting shall be LED lighting, or bulb that has been demonstrated to be the most energy efficient technology available. - Flashing holiday lighting is permitted. - All private holiday lighting shall be turned off at the close of business hours in the Community Core zoning district, and after 10:30PM in all other zoning districts. Outdoor Public lighting shall not be subject to holiday lighting curfew.
Flagpole Lighting	Not Required	Exempt	<ul style="list-style-type: none"> - Upward flagpole lighting is permitted for governmental flags only. - The maximum lumen output shall be one thousand three hundred (1,300) lumens. - Flags are encouraged to be taken down at sunset to avoid the need for lighting.
Floodlights	Not Required	Not Exempt	<ul style="list-style-type: none"> - Floodlights with external shielding shall be angled provided that no light escapes above a 25-degree angle measured from the vertical line from the center of the light extended to the ground. - Floodlights shall not cause glare or light to shine directly on adjacent property or public rights of way. - Shall be encouraged to be motion sensor activated.
Neon Lights	Not Required	Not Exempt	<ul style="list-style-type: none"> - Neon Lights: Neon lights are only permitted pursuant to the sign ordinance, chapter 17.127 of this title.
Sensor Activated Lighting	Required	Exempt	<ul style="list-style-type: none"> - Shall be located so as to prevent lighting into adjacent properties or into a public right of way. - Lighting shall activate only when motion on the property is detected and shall deactivate within no more than five (5) minutes.

			<ul style="list-style-type: none"> - Lighting shall not be triggered by any activity off the property or in the public right of way. - The maximum lumen output shall be 600 lumens.
Temporary Lighting	Required	Exempt	<ul style="list-style-type: none"> - Lumens output shall be approved by the Administrator.
Temporary emergency lighting	Not Required	Exempt	<ul style="list-style-type: none"> - Utilized by public safety services. Exempt from provisions of this chapter.
Highway 75 lighting	Required	Exempt	<ul style="list-style-type: none"> - Correlated Color temperature 2700 kelvin.

J. Additional Development Restrictions

<u>Development</u>	<u>Full Cutoff Light Fixture</u>	<u>Light Trespass Standards</u>	<u>Additional Requirements</u>
Motor Vehicle Fueling Stations and Motor Vehicle Service Stations	Required	Not Exempt	<ul style="list-style-type: none"> - The average foot-candle lighting level at the pump for new and existing service stations is required to be no greater than thirty (30) foot-candle average, as set by the IESNA for urban service stations.
Towers for Radio Communication and Navigation	Not Required	Not Exempt	<ul style="list-style-type: none"> - All radio, communication and navigation towers that require lights shall have dual lighting capabilities. - For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used. - Lighting that is required by legal jurisdictions are exempt from this provision.

17.132.040: PROHIBITED LIGHTING

- A. Any light source that does not meet the requirements of this chapter.
- B. Searchlights, beacons, laser source, and other high-intensity light fixtures.
- C. Except as otherwise allowed by this title, any lighting that is flashing, blinking, rotating, chasing, or rapidly changing in color or intensity is prohibited.

17.132.050: NOTIFICATION:

- A. The city building and planning department permits shall include a statement asking whether the subject property of the proposed work includes any exterior lighting.

17.132.060: THE CITY'S ROLE:

- A. The city will commit to changing all lighting within the city rights of way and on city owned property to meet the requirements of this chapter when luminaires expire.

**EXHIBIT B
ORDINANCE NO. 1171**

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, REPEALING AND REPLACING TITLE 17, CHAPTER 17.132 DARK SKIES TO UPDATE AND ENHANCE THE EXISTING ORDINANCE IN ORDER TO ALIGN WITH CHANGING TECHNOLOGIES, BEST PRACTICES, AND INTERNATIONAL DARK SKIES ASSOCIATION STANDARDS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1171 of the City of Ketchum, Blaine County, Idaho, adopted on May 15, 2017, is as follows:

- SECTION 1.** Repeals and replaces Chapter 17.132, Dark Skies, in its entirety.
- SECTION 2.** Provides for a Repealer Clause.
- SECTION 3.** Provides a Savings and Severability Clause.
- SECTION 4.** Provides for publication of this Ordinance by Summary.
- SECTION 5.** Establishes an effective date.

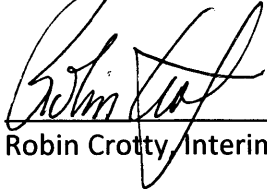
The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

APPROVED:



Nina Jonas, Mayor

ATTEST:



Robin Crotty, Interim City Clerk