

**MINUTES OF THE HOUSING COMMITTEE**  
**March 25, 2019**  
**East Conference Room**

**Present:** Councilmembers Anderson, O'Malley & Rader

**Also Present:** Building Commissioner Meyers, Assistant Building Commissioner Parmalee, Chief Assistant Law Director Swallow, Councilmember Bullock, one member of the public

**Call to Order:** 7:05 p.m.

**SUBSTITUTE ORDINANCE NO. 2-18 – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending various parts of Chapter 1306, Property Maintenance and Safety Code...(light pollution)**

The Committee reviewed the most recent working draft of Ord 2-18 discussed in Committee on November 5<sup>th</sup>. Ms. Swallow detailed the changes made from the original which include:

- Law note on page 4 removed
- Term “quality” replaced with “performance”

In preparation for tonight’s meeting, Councilmember Bullock and Ms. Swallow worked to prepare a substitute version which incorporated the above changes from the November 5<sup>th</sup> working draft as well as additional changes to expand the scope of the ordinance to include light trespass from one residence upon another to be a violation. Ms. Swallow outlined the specific changes.

The Committee questioned why the Industrial District was not included in the ordinance and agreed to add this in.

Ms. Swallow explained that because the proposed ordinance is within the Building Code that Building Department would be responsible to enforce it.

Commissioner Meyers stated that the Building Department can enforce commercial light trespass complaints because commercial lights are predictable and usually on timers. He stated that the Department will not be able to successfully enforce residential light trespass. He noted that the ordinance may conflict with other areas of the Code such as the requirement that outside entrances be lighted. It is possible that these lights will trespass onto a neighboring residence. He noted that the proposed ordinance also conflicts with the advice of police to keep lights on for safety reasons. He further stated that his staff does not have the capacity to follow up and confirm complaints during the night. Confirmation of a complaint is necessary to issue a citation.

Councilmember Bullock asked if residential light trespass requirements can be included without a penalty.

Ms. Swallow responded that that would be the equivalent of a resolution and would be unenforceable. Any requirement in the Zoning Code without a penalty specified is covered by 1306.99.

The Committee discussed the possibility of making residential light trespass complaints count toward a nuisance declaration. Ms. Swallow noted that this was done with false alarms, which police verify.

Commissioner Meyers expressed that he is not aware of a large volume of complaints and is concerned that he will be sending staff out on overtime with no guarantee that the light issue will persist from night to night.

Councilmembers referenced examples of residential light trespass that that they have helped to mediate between neighbors with varying levels of success.

Ms. Swallow explained the Law Department's mediation program and how it can be used to assist neighbors over these conflicts. She noted that neighborhood tree conflicts are a common and similar problem. The issue need not be outlined in the Code to be mediated. Criminal issues are never mediated.

Councilmember Bullock remarked that he wanted to respect the feedback from the Building Department and summarized alternative legislative strategies such as including this in the nuisance ordinance or putting it in the Code as an unenforceable provision. He questioned why the City wouldn't want to find a way to communicate these standards and expectations to residents one way or another.

Ms. Swallow added that the ordinance also prevents conflicts from occurring by requiring Building Department plan review for new lighting installations.

Councilmembers O'Malley and Rader expressed hesitation to move forward with the residential portion of the ordinance, given the concerns expressed by the Building Department.

Councilmember Rader moved to remove the residential portions of the proposed ordinance from the draft.

Chairman Anderson suggested that a separate ordinance be crafted to address residential light trespass through the nuisance process.

A motion was made by Chairman Anderson and seconded by Mr. Rader to make the following amendments to the 11/5/18 working draft and to recommend this substitute version to Council for adoption. The amendments are as follows:

- Insert "I" for industrial zone in the definitions
- Insert a comma after "darkness" in 1306.311 (b) (4)
- Strike "on residential property" in 1306.311 (b) (6)

All members voted in favor.

**ORDINANCE NO. 39-18 - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, amending various sections of Chapter 1306, Property Maintenance and Safety Code, of the Codified Ordinances of the City of Lakewood in order to update the code so as to eliminate the threat of warrantless searches from the Code. (PLACED ON 1<sup>ST</sup> READING AND REFERRED TO HOUSING 9/4/18; 2<sup>nd</sup> reading 9/17/18; deferred 10/15/18)**

The Committee reviewed its discussion from its previous meeting on this topic in January. The Committee discussed the list of criteria for the basis of a property inspection in 1306.50 and adding “sale at Sheriff’s sale” to the list.

Ms. Swallow expressed concern that it can take several weeks or months for the City to become aware of the owner after a Sheriff’s sale and to gain entry to these properties. She noted that the list is not all inclusive and that the concerns of a Sheriff’s sale property would likely be covered by other criteria.

Ms. Swallow will send the Committee the most recent working draft to continue the discussion.

Chairman Anderson adjourned the meeting at 8:05 p.m. and called for a follow up meeting to discuss Ord 39-18.

Placed on first reading and referred to  
the Housing Committee 1/2/18, 2nd  
reading 1/16/18, deferred 6/18/18.  
Please substitute for the original.

ORDINANCE NO. 2-18

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, enacting Section 1306.311, Outdoor Lighting, of the Codified Ordinances of the City of Lakewood in order to create regulations prohibiting outdoor light nuisances and for the installation of new lighting fixtures.

WHEREAS, Lakewood properties are unique in that residential and commercial uses often abut each other; and

WHEREAS, commercial properties can sometimes create light nuisances on abutting residential, commercial or mixed use properties; and

WHEREAS, this Council has determined that these outdoor lighting provisions shall be established in the Code as a matter of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that construction season is upon us and these regulations should be applied to all new lighting installations immediately; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1306.311, Outdoor Lighting, shall be enacted to read as follows:

**1306.311 OUTDOOR LIGHTING.**

- (a) Definitions. As used herein:
- (1) “Area light” means lighting fixture intended to illuminate a significant parking or pedestrian area, such as a parking lot or walkway.
  - (2) “Cutoff” means a lighting fixture from which no more than 2.5 percent of its lamp’s intensity is emitted at or above horizontal plane drawn through the bottom of the fixture and no more than 10 percent of its lamp’s intensity is emitted between 80 degrees and that horizontal plane.
  - (3) “Footcandle” means a unit of incident light stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter.
  - (4) “Full cutoff” means a lighting fixture from which none of its lamp’s intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10 percent of the lamp’s intensity is emitted between 80 degrees and that horizontal plane.
  - (5) “Fully shielded” means a lighting fixture, from which, in the installed position, none of its light output, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture (excepting only incidental reflections from supporting brackets or arms), is projected above a horizontal plane through the fixture’s lowest light-emitting part, as determined by photometric test or certified by the manufacturer. Any structural part of the fixture providing this shielding shall be permanently affixed.
  - (6) “Glare” means the sensation produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye.
  - (7) “Illuminance” means the quantity of incident light measured in footcandles.
  - (8) “Light trespass” means light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.
  - (9) “Lumen” means the light-output rating of a lamp (light bulb), as used in the context of this section.
  - (10) “Luminaire” means a complete lighting unit
  - (11) “Shielded” means the description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts or visors.
  - (12) “Commercial property” means property used for commercial purposes as defined in C1, C2, C3, C4, Planned Development, Mixed Use Overlay Districts, and multi-family properties of four or more units.
- (b) Lighting Fixture Design and Control. The following regulations are required on commercial property:
- (1) Luminaires shall be of a type and design appropriate to the lighting application.
  - (2) For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, and pedestrian passage areas, merchandising and storage areas automotive-fuel dispensing facilities, automotive sales areas, loading docks, active and passive recreational areas,

building entrances, and site entrances, luminaires shall be aimed straight down, have no uplight and shall meet IESNA full-cutoff/fully shielded criteria.

- (3) For the lighting of predominantly non-horizontal tasks or surfaces such as, but not limited to, facades, landscaping, fountains, displays and statuary, when their use is specifically permitted, luminaires shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
  - (4) Area light shall not be permitted where visible during hours of darkness from a residential use, unless fitted with a reflector or other shielding device to block direct viewing of the light source from the adjacent use.
  - (5) All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard and so as not to create a light trespass by projecting or reflecting objectionable light onto a neighboring use or property.
  - (6) Directional luminaires such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output onto the properties of neighboring residences, adjacent uses, past the object being illuminated, or skyward. Floodlights installed above grade on residential properties shall not be aimed out more than 45 degrees from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.
  - (7) All exterior property areas shall maintain all exterior lighting so that it complies with the following:
    - A. All luminaire fixtures should be installed at a height appropriate for the use.
    - B. All luminaire fixtures should be placed in the area of use or as near to the area of use as is reasonably possible.
    - C. All luminaire fixtures should be angled such that it reasonably reduces horizontal glare.
    - D. The luminaire should be aimed at the subject property of the horizontal plane and all reasonable efforts made to reduce glare and light trespass from the neighboring properties.
    - E. Full cutoff, fully shielded and internal baffling is required on all luminaire fixtures to reduce or eliminate glare and light trespass to the extent reasonably possible.
  - (8) Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
  - (9) The level of illumination projected onto a residential use from an adjacent property shall not create a light trespass or glare as determined by reasonable person.
- (c) Plan Submission. For all commercial properties where site lighting is proposed or otherwise required by the City, lighting plans shall be submitted to the Commissioner for review and approval with any preliminary development plan application or with any conditional use

application. The Commissioner may also require that lighting plans be submitted for Building Permit applications or referred to Architectural Review Board for review. Lighting plans shall include:

- (1) A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, containing a layout of all proposed fixtures by location, mounting height and type. The submission shall include, in addition to area lighting, exterior architectural, building entrance, landscape lighting, etc.
- (2) A point-by-point illuminance-grid plot on 10-foot-by-10-foot centers (or as necessary for suitable legibility) of footcandles overlaid on the site plan, plotted out to 0.0 maintained footcandles, which demonstrate compliance with the light trespass, illuminance and uniformity requirements as set forth in this Section or as otherwise required by the City.
- (3) Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole wind-loading conformance, foundation pole details and mounting methods.
- (4) Landscaping plans shall contain lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
- (5) Post-approval alterations to lighting plans or intended substitutions for specified lighting equipment on the approved plan shall be submitted to the Commissioner for review and approval prior to installation. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment that demonstrate the proposed substitution is equal to or exceeds the optical performance and maintainability of the specified luminaires; and accompanied by a lighting plan, including a point-by-point plot, which demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the performance of the lighting on the approved plan.

Section 2. Subsection (b)(9) of Section 775.02, Permits and Conditions, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**775.02 PERMITS AND CONDITIONS.**

...

- (b) Notwithstanding Section 901.18 of these Codified Ordinances, issuance of permits as provided in subsection (a) hereof shall be upon forms provided by the Director of Public Works and submitted for approval to both the Director of Public Works and the Director of Public Safety.

...

- (9) Adequate lighting shall be provided so that all objects are sufficiently visible to ensure the safety of onlookers, pedestrians and passersby.

...

is hereby repealed, and new Subsection (b)(9) of Section 775.02, Permits and Conditions, of the Codified Ordinances of the City of Lakewood, to read as follows:

**775.02 PERMITS AND CONDITIONS.**

...

(b) Notwithstanding Section 901.18 of these Codified Ordinances, issuance of permits as provided in subsection (a) hereof shall be upon forms provided by the Director of Public Works and submitted for approval to both the Director of Public Works and the Director of Public Safety.

...

(9) Adequate lighting shall be provided pursuant to Section 1306.311 so that all objects are sufficiently visible to ensure the safety of onlookers, pedestrians and passersby.

...

Section 3. Subsection (t)(10) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section, 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

...

(t) Outdoor/Seasonal Dining Facility. Any person operating a restaurant, bar, tavern, or nightclub use (as used in this section, a "Restaurant Use") in the C1 Office, C2 Retail, C3 General Business, C4 Public School, ML and MH Multiple-Family Residential, PD Planned Development or I Industrial District (as used in this section, and together with any successors or assigns, an "Applicant") may be permitted to operate an Outdoor/Seasonal Dining Facility as a conditionally permitted accessory use subject to the following:

...

(10) The Outdoor/Seasonal Dining Facility must have adequate illumination during evening hours in accordance with the Outdoor Dining Design Guidelines. All lighting will be designed to minimize the intrusive effect of glare and illumination upon abutting areas, especially residential properties.

...

is hereby repealed, and new Subsection (t)(10) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section, 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

...

- (t) Outdoor/Seasonal Dining Facility. Any person operating a restaurant, bar, tavern, or nightclub use (as used in this section, a "Restaurant Use") in the C1 Office, C2 Retail, C3 General Business, C4 Public School, ML and MH Multiple-Family Residential, PD Planned Development or I Industrial District (as used in this section, and together with any successors or assigns, an "Applicant") may be permitted to operate an Outdoor/Seasonal Dining Facility as a conditionally permitted accessory use subject to the following:

...

- (10) The Outdoor/Seasonal Dining Facility must have adequate illumination during evening hours in accordance with the Outdoor Dining Design Guidelines. All lighting will be designed to minimize the intrusive effect of glare and illumination upon abutting areas, especially residential properties pursuant to Section 1306.311.

...

Section 4. Subsection (u)(5) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section, 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

...

- (u) 24-Hour Operation. In the C1 Office, C2 Retail and C3 General Business Districts a 24-hour operation may be permitted as a conditionally permitted use subject to all or any of the following:

- ...
- (5) All exterior site and building lighting, which shall be provided, is approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code, and such design shall minimize the intrusive effect of glare and illumination upon any abutting areas especially residential.
- ...

is hereby repealed, and new Subsection (u)(5) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section, 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

- ...
- (u) 24-Hour Operation. In the C1 Office, C2 Retail and C3 General Business Districts a 24-hour operation may be permitted as a conditionally permitted use subject to all or any of the following:

- ...
- (5) All exterior site and building lighting, which shall be provided, is approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code, and such design shall minimize the intrusive effect of glare and illumination upon any abutting areas especially residential pursuant to Section 1306.311.
- ...

Section 5. Subsection (w)(5) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section, 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

- ...
- (w) Extended Hours of Operation. In the C1 Office District, C2 Retail District, C3 General Business and C4 Public School District, a business may be permitted as a conditionally permitted use with

extended hours of operation after 12:00 a.m. or before 6:00 a.m. subject to all or any of the following:

...

- (5) All exterior site and building lighting, which shall be provided, is approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code, and such design shall minimize the intrusive effect of glare and illumination upon any abutting areas, especially residential.

is hereby repealed, and new Subsection (w)(5) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

...

- (w) Extended Hours of Operation. In the C1 Office District, C2 Retail District, C3 General Business and C4 Public School District, a business may be permitted as a conditionally permitted use with extended hours of operation after 12:00 a.m. or before 6:00 a.m. subject to all or any of the following:

...

- (5) All exterior site and building lighting, which shall be provided, is approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code, and such design shall minimize the intrusive effect of glare and illumination upon any abutting areas, especially residential pursuant to Section 1306.311.

Section 6. Subsection (x)(5) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

...

- (y) Drive-Through Facility. In a C1 Office, C2 Retail, C3 General Business or PD Planned Development District, a drive-through facility may be conditionally permitted as an accessory use provided that:

- ...
- (6) A photometric study shall be required and the lighting design shall be approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code, all lights shall be full cutoff fixtures and spotlights shall be projected down; all lighting shall be designed in a manner to minimize the intrusive effect of glare and illumination upon abutting properties, especially residential properties;
- ...

is hereby repealed, and new Subsection (x)(5) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

- ...
- (y) Drive-Through Facility. In a C1 Office, C2 Retail, C3 General Business or PD Planned Development District, a drive-through facility may be conditionally permitted as an accessory use provided that:
    - (6) A photometric study shall be required and the lighting design shall be approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code, all lights shall be full cutoff fixtures and spotlights shall be projected down; all lighting shall be designed in a manner to minimize the intrusive effect of glare and illumination upon abutting properties, especially residential properties pursuant to Section 1306.311;
- ...

Section 7. Subsection (f) of Section 1325.08, Parking and Vacant Lot Design, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1325.08 PARKING AND VACANT LOT DESIGN.**

The following design standards shall apply to off-street parking spaces except in the R-1H, R-1L and R-1M Districts and vacant and unimproved lots in all districts.

- ...
- (f) Lighting may be required for parking lots to be used after sunset. The light fixtures shall be arranged to reflect light away from adjacent residential property to reduce any annoyance the lights may cause.

is hereby repealed, and new Subsection (f) of Section 1325.08, Parking and Vacant Lot Design, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

**1325.08 PARKING AND VACANT LOT DESIGN.**

The following design standards shall apply to off-street parking spaces except in the R-1H, R-1L and R-1M Districts and vacant and unimproved lots in all districts.

...

- (f) Lighting may be required for parking lots to be used after sunset. The light fixtures shall be arranged to reflect light away from adjacent residential property to reduce any annoyance the lights may cause pursuant to Section 1306.311.

Section 8. Subsection (a) of Section 1329.06, Illumination of Signs, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1329.06 ILLUMINATION OF SIGNS.**

- (a) Light sources to illuminate signs shall be shielded from all adjacent buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or motorists or so as to cause reasonable objection from adjacent residential districts.

...

is hereby repealed, and new Subsection (a) of Section 1329.06, Illumination of Signs, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

**1329.06 ILLUMINATION OF SIGNS.**

- (a) Light sources to illuminate signs shall be shielded from all adjacent buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or motorists or so as to cause reasonable objection from adjacent residential districts pursuant to Section 1306.311.

...

Section 9. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 10. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, and provided it receives the affirmative vote of at least two thirds of the members of Council this ordinance shall take effect and be in force immediately, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

previous working draft

Placed on first reading and referred to the Housing Committee 1/2/18, 2nd reading 1/16/18, deferred 6/18/18. Please substitute for the original.

ORDINANCE NO. 2-18

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, enacting Section 1306.311, Outdoor Lighting, of the Codified Ordinances of the City of Lakewood in order to create regulations prohibiting outdoor light nuisances and for the installation of new lighting fixtures.

WHEREAS, Lakewood properties are unique in that residential and commercial uses often abut each other; and

WHEREAS, commercial properties can sometimes create light nuisances on abutting residential, commercial or mixed use properties; and

WHEREAS, with Lakewood being such a densely populated community, residential properties can sometimes create light nuisances on abutting residential properties as well; and

WHEREAS, this Council has determined that these outdoor lighting provisions shall be established in the Code as a matter of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that construction season is upon us and these regulations should be applied to all new lighting installations immediately; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1306.311, Outdoor Lighting, shall be enacted to read as follows:

**1306.311 OUTDOOR LIGHTING.**

- (a) Definitions. As used herein:
- (13) “Area light” means lighting fixture intended to illuminate a significant parking or pedestrian area, such as a parking lot or walkway.
  - (14) “Cutoff” means a lighting fixture from which no more than 2.5 percent of its lamp’s intensity is emitted at or above horizontal plane drawn through the bottom of the fixture and no more than 10 percent of its lamp’s intensity is emitted between 80 degrees and that horizontal plane.
  - (15) “Footcandle” means a unit of incident light stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter.
  - (16) “Full cutoff” means a lighting fixture from which none of its lamp’s intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10 percent of the lamp’s intensity is emitted between 80 degrees and that horizontal plane.
  - (17) “Fully shielded” means a lighting fixture, from which, in the installed position, none of its light output, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture (excepting only incidental reflections from supporting brackets or arms), is projected above a horizontal plane through the fixture’s lowest light-emitting part, as determined by photometric test or certified by the manufacturer. Any structural part of the fixture providing this shielding shall be permanently affixed.
  - (18) “Glare” means the sensation produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye.
  - (19) “Illuminance” means the quantity of incident light measured in footcandles.
  - (20) “Light trespass” means light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.
  - (21) “Lumen” means the light-output rating of a lamp (light bulb), as used in the context of this section.
  - (22) “Luminaire” means a complete lighting unit
  - (23) “Shielded” means the description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts or visors.
  - (24) “Commercial property” means property used for commercial purposes as defined in C1, C2, C3, C4, Planned Development, Mixed Use Overlay Districts, and multi-family properties of four or more units.
  - (25) “Residential property” means property used for residential purposes as defined in R1L, R1M, R1H, R2, L, ML, and MH zoning Districts. Residential property does not include multi-family properties of four or more units.
- (b) Lighting Fixture Design and Control. The following regulations are required on commercial property:
- (10) Luminaires shall be of a type and design appropriate to the lighting application.

- (11) For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, active and passive recreational areas, building entrances, and site entrances, luminaires shall be aimed straight down, have no uplight and shall meet IESNA full-cutoff/fully shielded criteria.
- (12) For the lighting of predominantly non-horizontal tasks or surfaces such as, but not limited to, facades, landscaping, fountains, displays and statuary, when their use is specifically permitted, luminaires shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
- (13) Area light shall not be permitted where visible, during hours of darkness, from a residential use, unless fitted with a reflector or other shielding device to block direct viewing of the light source from the adjacent use.
- (14) All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard and so as not to create a light trespass by projecting or reflecting objectionable light onto a neighboring use or property.
- (15) Directional luminaires such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output onto the properties of neighboring residences, adjacent uses, past the object being illuminated, or skyward. Floodlights installed above grade shall not be aimed out more than 45 degrees from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.
- (16) All exterior property areas shall maintain all exterior lighting so that it complies with the following:
  - F. All luminaire fixtures should be installed at a height appropriate for the use.
  - G. All luminaire fixtures should be placed in the area of use or as near to the area of use as is reasonably possible.
  - H. All luminaire fixtures should be angled such that it reasonably reduces horizontal glare.
  - I. The luminaire should be aimed at the subject property of the horizontal plane and all reasonable efforts made to reduce glare and light trespass from the neighboring properties.
  - J. Full cutoff, fully shielded and internal baffling is required on all luminaire fixtures to reduce or eliminate glare and light trespass to the extent reasonably possible.
- (17) Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

- (18) The level of illumination projected onto a residential use from an adjacent property shall not create a light trespass or glare as determined by reasonable person.
- (c) Plan Submission. For all commercial properties where site lighting is proposed or otherwise required by the City, lighting plans shall be submitted to the Commissioner for review and approval with any preliminary development plan application or with any conditional use application. The Commissioner may also require that lighting plans be submitted for Building Permit applications or referred to Architectural Review Board for review. Lighting plans shall include:
- (6) A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, containing a layout of all proposed fixtures by location, mounting height and type. The submission shall include, in addition to area lighting, exterior architectural, building entrance, landscape lighting, etc.
  - (7) A point-by-point illuminance-grid plot on 10-foot-by-10-foot centers (or as necessary for suitable legibility) of footcandles overlaid on the site plan, plotted out to 0.0 maintained footcandles, which demonstrate compliance with the light trespass, illuminance and uniformity requirements as set forth in this Section or as otherwise required by the City.
  - (8) Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole wind-loading conformance, foundation pole details and mounting methods.
  - (9) Landscaping plans shall contain lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
  - (10) Post-approval alterations to lighting plans or intended substitutions for specified lighting equipment on the approved plan shall be submitted to the Commissioner for review and approval prior to installation. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment that demonstrate the proposed substitution is equal to or exceeds the optical performance and maintainability of the specified luminaires; and accompanied by a lighting plan, including a point-by-point plot, which demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the performance of the lighting on the approved plan.
- (d) No person in charge of or in control of any residential property shall permit exterior lighting of such premises unnecessarily to shine, glare, reflect or be directed into or towards any other property.

Section 2. Subsection (b)(9) of Section 775.02, Permits and Conditions, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**775.02 PERMITS AND CONDITIONS.**

...  
(c) Notwithstanding Section 901.18 of these Codified Ordinances, issuance of permits as provided in subsection (a) hereof shall be upon forms provided by the Director of Public Works and submitted for approval to both the Director of Public Works and the Director of Public Safety.

...  
(9) Adequate lighting shall be provided so that all objects are sufficiently visible to ensure the safety of onlookers, pedestrians and passersby.

is hereby repealed, and new Subsection (b)(9) of Section 775.02, Permits and Conditions, of the Codified Ordinances of the City of Lakewood, to read as follows:

**775.02 PERMITS AND CONDITIONS.**

...  
(c) Notwithstanding Section 901.18 of these Codified Ordinances, issuance of permits as provided in subsection (a) hereof shall be upon forms provided by the Director of Public Works and submitted for approval to both the Director of Public Works and the Director of Public Safety.

...  
(9) Adequate lighting shall be provided pursuant to Section 1306.311 so that all objects are sufficiently visible to ensure the safety of onlookers, pedestrians and passersby.

Section 3. Subsection (t)(10) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section, 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

...  
(t) Outdoor/Seasonal Dining Facility. Any person operating a restaurant, bar, tavern, or nightclub use (as used in this section, a "Restaurant Use") in the C1 Office, C2 Retail, C3 General Business, C4 Public School, ML and MH Multiple-Family Residential, PD Planned Development or I Industrial District (as used in this section, and together with any

successors or assigns, an "Applicant") may be permitted to operate an Outdoor/Seasonal Dining Facility as a conditionally permitted accessory use subject to the following:

...

(10) The Outdoor/Seasonal Dining Facility must have adequate illumination during evening hours in accordance with the Outdoor Dining Design Guidelines. All lighting will be designed to minimize the intrusive effect of glare and illumination upon abutting areas, especially residential properties.

...

is hereby repealed, and new Subsection (t)(10) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

...

(t) Outdoor/Seasonal Dining Facility. Any person operating a restaurant, bar, tavern, or nightclub use (as used in this section, a "Restaurant Use") in the C1 Office, C2 Retail, C3 General Business, C4 Public School, ML and MH Multiple-Family Residential, PD Planned Development or I Industrial District (as used in this section, and together with any successors or assigns, an "Applicant") may be permitted to operate an Outdoor/Seasonal Dining Facility as a conditionally permitted accessory use subject to the following:

...

(10) The Outdoor/Seasonal Dining Facility must have adequate illumination during evening hours in accordance with the Outdoor Dining Design Guidelines. All lighting will be designed to minimize the intrusive effect of glare and illumination upon abutting areas, especially residential properties pursuant to Section 1306.311.

...

Section 4. Subsection (u)(5) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section\_ 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

...

(u) 24-Hour Operation. In the C1Office, C2 Retail and C3 General Business Districts a 24-hour operation may be permitted as a conditionally permitted use subject to all or any of the following:

...

(5) All exterior site and building lighting, which shall be provided, is approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code, and such design shall minimize the intrusive effect of glare and illumination upon any abutting areas especially residential.

...

is hereby repealed, and new Subsection (u)(5) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section\_ 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

...

(u) 24-Hour Operation. In the C1Office, C2 Retail and C3 General Business Districts a 24-hour operation may be permitted as a conditionally permitted use subject to all or any of the following:

...

(5) All exterior site and building lighting, which shall be provided, is approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code, and such design shall minimize the intrusive effect of glare and illumination upon any abutting areas especially residential pursuant to Section 1306.311.

...

Section 5. Subsection (w)(5) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section\_ 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

...

(w) Extended Hours of Operation. In the C1 Office District, C2 Retail District, C3 General Business and C4 Public School District, a business may be permitted as a conditionally permitted use with extended hours of operation after 12:00 a.m. or before 6:00 a.m. subject to all or any of the following:

...

(5) All exterior site and building lighting, which shall be provided, is approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code, and such design shall minimize the intrusive effect of glare and illumination upon any abutting areas, especially residential.

is hereby repealed, and new Subsection (w)(5) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section\_ 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

...

(w) Extended Hours of Operation. In the C1 Office District, C2 Retail District, C3 General Business and C4 Public School District, a business may be permitted as a conditionally permitted use with extended hours of operation after 12:00 a.m. or before 6:00 a.m. subject to all or any of the following:

...

(5) All exterior site and building lighting, which shall be provided, is approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code, and such design shall minimize the intrusive effect of glare and illumination upon any abutting areas, especially residential pursuant to Section 1306.311.

Section 6. Subsection (x)(5) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

...

(y) Drive-Through Facility. In a C1 Office, C2 Retail, C3 General Business or PD Planned Development District, a drive-through facility may be conditionally permitted as an accessory use provided that:

...

(6) A photometric study shall be required and the lighting design shall be approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code, all lights shall be full cutoff fixtures and spotlights shall be projected down; all lighting shall be designed in a manner to minimize the intrusive effect of glare and illumination upon abutting properties, especially residential properties;

...

is hereby repealed, and new Subsection (x)(5) of Section 1161.03, Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

**1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

...

(y) Drive-Through Facility. In a C1 Office, C2 Retail, C3 General Business or PD Planned Development District, a drive-through facility may be conditionally permitted as an accessory use provided that:

...

(6) A photometric study shall be required and the lighting design shall be approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code, all lights shall be full cutoff fixtures and spotlights shall be projected down; all lighting shall be designed in a manner to minimize the intrusive effect of glare and illumination upon abutting properties, especially residential properties pursuant to Section 1306.311;

...

Section 7. Subsection (f) of Section 1325.08, Parking and Vacant Lot Design, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1325.08 PARKING AND VACANT LOT DESIGN.**

The following design standards shall apply to off-street parking spaces except in the R-1H, R-1L and R-1M Districts and vacant and unimproved lots in all districts.

...

- (f) Lighting may be required for parking lots to be used after sunset. The light fixtures shall be arranged to reflect light away from adjacent residential property to reduce any annoyance the lights may cause.

is hereby repealed, and new Subsection (f) of Section 1325.08, Parking and Vacant Lot Design, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

**1325.08 PARKING AND VACANT LOT DESIGN.**

The following design standards shall apply to off-street parking spaces except in the R-1H, R-1L and R-1M Districts and vacant and unimproved lots in all districts.

...

- (f) Lighting may be required for parking lots to be used after sunset. The light fixtures shall be arranged to reflect light away from adjacent residential property to reduce any annoyance the lights may cause pursuant to Section 1306.311.

Section 8. Subsection (a) of Section 1329.06, Illumination of Signs, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1329.06 ILLUMINATION OF SIGNS.**

- (a) Light sources to illuminate signs shall be shielded from all adjacent buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or motorists or so as to cause reasonable objection from adjacent residential districts.

...

is hereby repealed, and new Subsection (a) of Section 1329.06, Illumination of Signs, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

**1329.06 ILLUMINATION OF SIGNS.**

- (a) Light sources to illuminate signs shall be shielded from all adjacent buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or motorists or so as to cause reasonable objection from adjacent residential districts pursuant to Section 1306.311.

...

Section 9. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 10. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, and provided it receives the affirmative vote of at least two thirds of the members of Council this ordinance shall take effect and be in force immediately, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

Proposed 3/25/15