

# P-05-21

---

**Title:** Petition for Text Amendment, submitted by the City of Sunset Hills, to amend Appendix B Zoning Regulations, Section 6.3-7 Lighting.

**Petitioner:** City of Sunset Hills  
3939 South Lindbergh Boulevard  
St Louis, Missouri 63127

**Date:** September 2021

**Summary:**

In response to several recent variance appeals from the City's lighting requirements, as well as complaints from neighboring property owners about recent commercial developments, staff is proposing a text amendment to update Appendix B Zoning Regulations, Section 6.3-7 Lighting. In March, this Text Amendment was presented to the Planning & Zoning Commission and approval was recommended to the Board of Aldermen. The Board made several changes to the language, requiring additional review and recommendation from the Planning & Zoning Commission.

The current text states:

6.3-7 Lighting: Lighting standards for parking lots, private drives and other public activity areas:

- A) Applicability: Except for parking accessory to single-family dwellings, lights shall be installed in all parking areas containing five (5) or more parking spaces and shall be illuminated between dusk and dawn whenever said premises are open for operation. "Open for operation" shall be any time that a business is open for the sale of goods or services or if the retail, office, industrial or other facility actually has employees working within or upon said premises, other than security personnel.
- B) Illumination standards: Where lighted areas are required, the following illumination standards (in foot-candles) shall apply:

1. Minimum initial level at any point on the parking area or drive:
  - a. Residential use: 0.07
  - b. Commercial/industrial use: 0.50
  - c. Other uses: 0.30
2. Average initial level:
  - a. Residential use: 0.35
  - b. Commercial/industrial use: 1.00
  - c. Other uses: 0.50
3. Maximum initial level, five (5) feet from the base of a light standard:
  - a. Residential use: 3.00
  - b. Commercial/industrial use: 8.00
  - c. Other uses: 5.00

C) Excessive illumination: Lighting within any property that unnecessarily illuminates any other property and substantially interferes with the use or enjoyment of such other property is prohibited. In furtherance of this requirement, all lighting on private property shall be so arranged or designed using cut-off lenses as necessary to direct light away from adjoining premises and streets. Flood and spot lights shall be shielded when necessary to prevent glare on adjoining properties or streets and to avoid visual interference with traffic control devices. Detailed lighting design plans and calculations shall be provided when deemed necessary by the zoning enforcement officer to ensure compliance with this requirement.

Proposed language is attached in the form of an Ordinance. Changes from the original Text Amendment are highlighted.

**BILL NO. \_\_\_\_\_**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE EXTERIOR LIGHTING REGULATIONS OF THE CITY OF SUNSET HILLS.**

**WHEREAS**, City staff studied the current regulations of the City of Sunset Hills with respect to exterior lighting and determined that an update is required to accommodate new developments and current standards.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Appendix B, Section 6.3-7 of the Code of Ordinances of the City of Sunset Hills shall be repealed and replaced with the following:

Section 6.3-7: Exterior lighting

- A) Intent. It is the intent of this section to establish light regulations and measures of lighting by which the negative aspects of excessive or careless light use can be minimized while preserving safety, security and the nighttime use and enjoyment of all properties within the City.
  
- B) Applicability. The requirements of this section shall apply to all exterior lighting within the City in both residential and non-residential districts. However, this section shall not apply to the following:
  - 1. The use of temporary outdoor lighting used during customary holiday seasons.
  - 2. Temporary outdoor lighting used for special events, civic celebrations, festivals and similar outdoor gatherings as permitted by the City's adopted regulations.
  - 3. Lighting required by emergency services or government agencies to illuminate response areas or to secure government buildings or structures. This includes any lighting necessary for the safe operations of aircraft.
  - 4. Lighting permanently or temporarily installed to illuminate public or private right-of-ways or to regulate traffic. This includes lighting necessary to facilitate the repair or maintenance of such right-of-ways or any facilities within them.
  - 5. Temporary lighting necessary to install, repair or maintain public or private utility infrastructure.
  - 6. Lighting of recreational facilities for public parks and publicly owned facilities such as a public school or a City recreational sports complex. The design and installation of such lighting shall achieve no greater luminance levels for activity than those recommended by the Illuminating

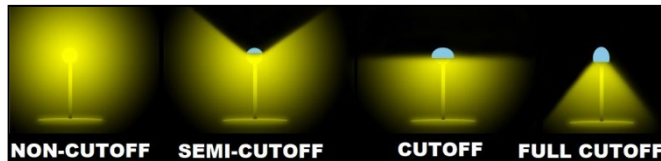
Engineering Society of North America (IESNA) or similar association/organization.

7. Lighting necessary to illuminate the nighttime display of the national, state, county, city or memorial flags. Such lighting shall be specifically reviewed as part of the City's flagpole permitting process to avoid glare or nuisance concerns.

C) General provisions. The following requirements shall be applicable to all properties within the jurisdictional limits of Sunset Hills, unless otherwise provided for within the City's adopted regulations. The design and installation of all lighting shall achieve no greater luminance levels for activity than those recommended by the Illuminating Engineering Society of North America (IESNA) or similar association/organization.

1. Lighting design

- a. Multi family, office, commercial and industrial developments.  
All new exterior lighting fixtures installed within the City for multifamily, office, commercial or industrial developments shall utilize ~~cutoff or~~ full cutoff designs to ensure that no light is emitted above a horizontal plane, as depicted in the graphic below. Additionally, light fixtures shall be fully shielded and directed down and away to prevent and not generate backlight or nuisance glare on streets or residential properties. The replacement of fixtures within existing projects in the City shall be brought into compliance with this section. A lighting plan prepared by a lighting professional or professional engineer shall be submitted for any replaced fixtures, developments, or conditional uses and when applicable prior to the issuance of an occupancy permit the lighting professional or professional engineer shall certify in writing the lighting was installed per the approved plans. Exterior lighting fixtures, parking lot pole standards and pole bases shall be black unless otherwise approved by the City. Fixtures shall not exceed the following B.U.G ratings of more than B3 U0 G3, unless adjacent to residential districts where a maximum B.U.G. rating of B2 U0 G2 applies.



- b. Single family and two family homes.  
Exterior lighting fixtures installed upon single family and two family homes are not required to utilize cutoff or full cutoff design. However, such lighting shall be focused, directed and arranged to avoid producing glare or unwanted illumination upon

an adjacent property or nearby area. The use of shielding is encouraged and may be required by the City for any lighting, which is determined to be a nuisance to neighboring properties, or creates a safety hazard.

c. Decorative lighting.

The City's Planning and Zoning Commission may consider the use of non-cutoff decorative lighting fixtures for planned developments during the review process for recommendation to the Board of Aldermen when such lighting would add to the aesthetic appeal of the property or to accent landscaping or architectural features. Such lighting may not generate excessive glare or constitute a nuisance or safety concern for adjacent properties or right-of-ways.

d. Light Source.

All new exterior lighting fixtures installed within the City for multifamily, office, commercial or industrial developments shall utilize light-emitting diode (LED) lamps technology. The use of alternative lamp/bulb lighting options of such developments may be appealed to the Board of Adjustment for consideration when those alternatives would add to the aesthetic appeal of the property.

e. Underground wiring.

All new exterior lighting within the City shall be served by underground cables. Existing properties, which do not meet this requirement, shall be brought into compliance upon redevelopment.

2. Property and parking lot illumination levels.

a. Parking area lighting shall be required for all new public parking lots used by patrons of the property associated with the primary use of the property, designed and installed so as to achieve the illumination levels set forth below. Lighting shall be maintained so as to achieve not less than 80% of the minimum illumination levels set forth by the following table.

b. The Planning and Zoning Commission may accept and recommend to recommend to the Board of Aldermen lighting arrangements exceeding the maximum levels set forth below to allow lighting designs for specific land uses that exceed the required illumination levels.

c. For the purpose of the table below, the term "residential" refers to areas with a residential zoning designation or residential land use. Office/commercial/industrial refers to parking areas for any land use, regardless of zoning designation, in which goods or services are offered on the premises, or office warehouse where wholesale operations are present.

- d. Curfew shall mean one (1) hour after the close of business to one (1) hour prior to opening during which time total outdoor lighting lumens shall be reduced by at least 50%.

Illumination standards in foot-candles for properties and parking areas			
	Residential	Commercial/industrial	Other
Minimum initial level at any point within the parking area	0.07	0.5	2.0
Maximum initial level	5.0	<del>12.0</del> 8.0	<del>12.0</del> 8.0
Maximum initial level at the exterior property line	<del>0.2</del> 0.5	<del>0.2</del> 0.5	<del>0.2</del> 0.5
Maximum initial level five feet from the exterior property line	0.00	0.00	0.00
Average FC levels within parking area	.35	1.0	.50

- e. Fixtures shall not exceed a color temperature of 4000K.
- f. Light standards utilized for parking lot lighting shall not exceed a maximum of twenty feet (20') within the C-1, PD-BC, PD-LC districts. The parking lot light standards in the PD-LI district shall not exceed twenty-five feet (25') in height. Light standards utilized for non-parking areas shall not exceed twenty feet (20') in height. The source of pole standard illumination shall not be lower than ten feet (10') above grade except as approved by the Director of Public Works.
- g. Light standards shall be maintained in compliance with the initial installation. Leaning, rusting or damaged poles/fixtures shall be repaired, removed or replaced.
- h. The applicant for all new development shall indicate compliance with this section. The City may require documents to be certified by a certified lighting designer. Initial readings as required by this section shall be provided with a light loss factor of one (1.0).
- i. All readings must be taken horizontally, free of obstructions.
- j. In addition to shielding, the use of timers and sensors is encouraged to minimize unnecessary lighting rather than leaving outdoor lights on all night, which is a waste of energy and an annoyance to neighbors.

D) Prohibited lights.

The following light and lighting methods are hereby declared unlawful and are therefore prohibited.

- 1) The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment, including the operation of searchlights for advertising purposes.
- 2) Animated, flashing, flickering or other distracting lights.
- 3) Exposed neon or LED tubes.
- 4) Any light which generates excessive glare or light-trespass upon adjacent properties or roadways.
- 5) Lighting placed within building interiors in a manner intended to attract attention or create a nuisance to exterior areas.

E) Nuisance light/glare complaint process.

Objectionable direct glare source can be potentially hazardous to motorists, cyclists or pedestrians, and people have a right to an environment free of any such existing invasive nuisance. Any potential violation of this chapter should be reported to the Code Enforcement Official. The City may request that the property owner provide a photometric reading for the fixture(s) in questions. The City may also require that the light fixture in question become fully shielded so as not to emit any light on a horizontal plane.

- 1) Whenever a nuisance is determined to exist, the owner of the ground or owners in the case of joint tenants, tenants by the entirety or tenants in common shall be liable.
- 2) The public works director or authorized representative may order abatement of a nuisance and in such case shall give at least ten (10) days' notice to abate the nuisance, either personally or by United States mail to the owner or owners, or his/her agents or their agents, or by posting such notice on the premises.
- 3) If the nuisance is not abated within the ten (10) days' notice, then a hearing will take place on the eleventh day after the original issuance of the order.
- 4) If at such a hearing, the public works director determines that a nuisance exists, the public works director shall order the same to be abated within five (5) days.
- 5) If the nuisance is not abated within the notice period, or within five (5) days after a hearing, the nuisance violation shall be subject to a fine of \$50.00 per day not to exceed \$1,000.00 in any one-year period.
- 6) Any owner, occupant or person in control of any property within the city who fails to comply with any provision of this chapter shall, upon conviction, be punished as provided in [section 1-8](#) of this Code.

F) The following terms, as used in this Section 6.3-7 shall be defined as set forth herein:

1. Foot-candle: The unit of measure expressing the quantity of light received on a surface. One foot-candle of illuminance produced by a candle on a surface one foot square from a distance of one foot. One lumen per square foot unit of luminance. One foot-candle equals approximately 0.1 (0.093) lux.
2. Fully shielded luminaire: A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection, or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
3. Glare: Lighting entering the eye directly from luminaries or indirectly from reflective surfaces that causes visual discomfort or reduced visibility. e.g. oncoming headlights.
4. Lumen: The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from "watt", a measure of power consumption).
5. Luminaire: The complete lighting unit (fixture) consisting of a lamp, or lamps and ballast(s) (when applicable) together with the parts designed to distribute the light (reflector, lens, diffuser) to position and protect the lamps and to connect the lamps to the power supply.
6. Over-illumination: This term describes situations when an excessive amount of direct light is used to illuminate buildings, parking lots, building features, etc. This results in an unnecessary energy consumption level and could contribute to other light pollution concerns.
7. Lux: The SI unit of illuminance. One lux is one lumen per square meter. One lux is a unit of incident illuminance approximately 0.10 foot-candle.
8. Skyglow: The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

Section 2. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021. \_\_\_\_\_  
*MAYOR*

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021. \_\_\_\_\_  
*MAYOR*

ATTEST: \_\_\_\_\_  
*CITY CLERK/ CITY ADMINISTRATOR*



