

## ORDINANCE #2022-18

### ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXV, ARTICLE 1 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT ENTITLED “ZONING”

**WHEREAS**, the Borough of Keyport (the “**Borough**”) is a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, the Mayor and Borough Council hereby desire to amend Borough Code Chapter XXV, “Land Use Regulations,” Article 1, “Zoning,” to reflect revisions to the Borough’s outdoor lighting regulations.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Keyport, County of Monmouth, New Jersey that:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** Chapter XXV, Article 1, Section 14.6, entitled “Landscaping, lighting and buffer regulations” is hereby amended as follows (additions are underlined and deletions are in ~~strikethrough~~):

#### § 25-1-14.6 Landscaping, lighting and buffer regulations.

This section shall not apply to nurseries, and the display for sales purposes of new or used cars, trucks, trailers, or boats except when abutting a residential zone or use.

a. Landscaping requirement. All nonresidential development shall provide landscaping and/or fencing to enhance site appearance, provide for visual screening of parking areas, waste disposal facilities and loading areas. The Planning Board may waive this requirement due to existing vegetation, topography, or other physical features at or adjacent to the site which provides effective screening.

b. Buffer requirement. Any nonresidential development shall provide a six-foot high solid fence or planted evergreen screen along any lot line which is contiguous with a residential lot. The Planning Board may waive this requirement due to existing vegetation, topography, or other physical features at or adjacent to the site which provides effective screening.

~~c. Lighting regulation. No exterior light source shall emit direct glare beyond the lot lines of the site on which located. Further, no pole lights shall exceed 12 feet in height when located within 25 feet of a residential zone boundary.~~

**Section 3.** Chapter XXV, Article 1, entitled “Zoning” is hereby amended to establish Section 14.7 entitled “Outdoor Lighting Regulations” as follows:

**§ 25-1-14.7 Outdoor Lighting Regulations.**

- a. Purpose. The regulation of outdoor lighting is necessary to prevent glare, light trespass (nuisance light) and/or sky glow from misdirected or excessive artificial light emanating from inappropriate or misdirected light fixtures and to discourage the waste of electricity and to improve or maintain nighttime public safety, utility and security.
- b. Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

**ARTIFICIAL LIGHT SOURCE** A man-made thing or object from which light originates.

**FOOTCANDLE** — A unit of measurement of illuminance (one footcandle equals one lumen per square foot of area).

**GLARE** — Illuminance within the visual field of a human eye which is sufficiently greater than the intensity of illuminance to which the eye is adapted that it causes annoyance, discomfort, nuisance, and/or loss in visual performance and visibility.

**ILLUMINANCE** — The total amount (density) of visible light incident upon (i.e., illuminating) a point of a surface from all directions above the surface measured in footcandles (note: the “surface” may be a part, or all, of a physical object or an imaginary plane).

**ILLUMINATION** — See “lighting.”

**LIGHT FIXTURE** — An electrically powered lighting device consisting of a lamp, a lamp holder, an electrical ballast (if necessary), and the means for connecting the device to an electrical power source.

**LIGHT TRESPASS** — Any form of illumination emanating from a light fixture or light source whether internally or externally illuminated on a property that penetrates another property and creates a nuisance, annoyance, or glare.

**LIGHTING** — The deliberate utilization of one or more artificial light sources to achieve an aesthetic or intended effect.

**LUMEN** — Measurement of light output. One lumen is equal to the amount of light emitted by one candle that falls on one square foot of surface located one foot away from the candle.

**OUTDOOR LIGHTING** — The lighting of areas exterior to the walls of enclosed buildings and/or within structures having open or partially open walls such as canopies, pavilions, gazebos, etc., artificial light sources and/or light fixtures.

- c. Design Standards- Residential Dwellings. All outdoor lighting fixtures serving residential dwellings shall comply with the requirements specified in this section:
1. All outdoor light fixtures serving one- and two-family dwellings and having initial light outputs greater than 1,500 lumens shall be of a type which provides a luminaire that is recessed or enclosed within the fixture so as to eliminate sky glow and glare. Light fixtures with initial light outputs less than 1,500 lumens, such as decorative porch lights, wall sconces, post top lanterns and walkway fixtures, may contain lamps and glass/plastic diffusing devices that extend beyond the opaque fixture enclosure. All outdoor fixtures shall comply with the requirements as specified below:
    - (a) All outdoor lighting shall be of a soft or glare-free type and shall not cast an illumination color which shall be distractive, obliterate, or obscure the view, or be ultraviolet, strobic, pulsating, flashing, travel, or of any unnatural kind.
    - (b) Light distributions generated by light fixtures shall be confined to the property on which they are installed. The maximum vertical illumination, when measured from any point on an adjacent property line at a height of five feet and facing the light fixture(s), shall be no greater than 0.1 vertical footcandles.
    - (c) Outdoor light fixtures properly installed and maintained shall be directed so that there will not be any direct glare source visible from any adjacent residential property. No outdoor lighting or outdoor light fixtures at any property shall be permitted where such create light trespass.
    - (d) Pole-mounted lighting fixtures shall not exceed 16 feet (base plus pole) in height.
    - (e) Light fixtures installed within any setback area, including front, rear or side yard setbacks, shall contain shielding devices to prevent light spill and glare upward and onto adjacent properties.
    - (f) Accent lighting used to enhance the architectural features, materials, color, style of buildings, landscaping, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded to minimize light spill into the dark sky or cause glare or direct light beyond the facade onto a neighboring property or streets.
  2. Any developer constructing new residential dwellings in the Borough shall provide the owner of the home with a copy of § 25-1-14.7(c), which addresses residential lighting standards.
- d. Design Standards- Non-Residential Dwellings. All outdoor light fixtures other than those serving residential dwellings shall comply with the requirements specified in this Section.
1. All lighting shall conform to the standards of the Illuminating Engineering Society Handbook, most recent edition, and the American National Practice for Roadway Lighting (RP-8) approved by the American National Standards Institute (ANSI), most recent edition.

2. Illumination. The average maintained illumination and the average level-to-minimum point ratio of illumination shall conform with the following:

<u>Classification</u>	<u>Average Maintained Illumination (footcandles)</u>	<u>Average Level-to- Minimum Point Ratio</u>
Access drives, commercial	0.6	6:1
Access drives, residential	0.4	8:1
Interior streets, residential	0.4	8:1
Intersections	1.0 to 2.0	4:1
Parking areas, commercial	1.0	4:1
Parking areas, industrial	0.6	4:1
Parking areas, residential	0.4	6:1
Sidewalks, commercial	0.6	6:1
Sidewalks, industrial	0.6	6:1
Sidewalks, residential	0.2	8:1

- e. Where used for security purposes or to illuminate walkways, roadways and parking lots, only outdoor light fixtures having luminaires that are shielded from public view and having the performance characteristics of a cutoff light fixture shall be used.
- f. Heights. Mounting heights (base plus pole) shall not exceed 16 feet above grade. Lower heights shall be used for walkways.
- g. Shielding. All luminaires shall be shielded to eliminate glare. Lamps shall be recessed in the luminaire.
- h. Adjoining properties. The maximum illumination at any point on adjoining properties shall not exceed 0.2 footcandle. The light source shall not be visible from adjacent properties.
- i. Hours of operation.
1. In business, office and/or research and industrial areas, circuits shall be arranged so that at least 50% of all lighting or alternate luminaries shall be turned off after business hours.
  2. All outdoor lighting fixtures serving residential dwellings, except those used for security purposes, shall be turned off from 11:00 p.m. until dawn.

- j. Security lighting. The average maintained illumination for security purposes shall be 0.4 footcandle.
- k. Special areas. Provisions shall be made for cutoff illumination of loading docks, entrances and other special areas where greater illumination may be required. Each special area shall be on a separate circuit, which shall be turned off when the area is not in use.
- l. Underground installation. All wires and cables shall be underground.
- m. Outdoor recreational and sport facility lighting.
  - 1. Outdoor lighting fixtures for purposes of lighting field game areas, courts or swimming pools shall be shielded from public view as observed from outside of the playing field or in the case of residential uses as observed from adjacent residential properties or adjoining public streets. Such light shall have directional and glare control devices, when necessary, to comply with this requirement. The maximum illumination at any point on an adjoining residential property line shall not exceed 0.1 vertical footcandle or 0.2 vertical footcandle on a property zoned for commercial or industrial use.
  - 2. Pole-mounted lighting fixtures used to illuminate outdoor recreational activities may exceed 16 feet in height subject to the following regulations:
    - (a) The mounting height of the light fixture shall not exceed 24 feet (base plus pole) in height.
    - (b) All fixtures used for such lighting shall be fully shielded with fifteen-degree cutoff.
    - (c) When the mounting height of the light fixture exceeds 16 feet, a landscaped screen shall be installed along all property lines that are adjacent to the recreational activity for the purpose of screening light glare from adjoining residential uses.
      - i. The required screen shall be comprised of evergreen and deciduous plant material to form a year-round visual barrier. Evergreen trees shall be a minimum of eight feet high, and deciduous trees shall have a diameter of at least 2.5 inches at time of installation. The quantity of natural screening existing on the property shall be taken into consideration.
      - ii. A landscape plan shall be provided showing the location of each plant and any existing trees that are to be retained as part of the screen. Planting details and a detailed plant list which provides the common and botanical name, quantity of each variety to be installed, size at planting and root condition for all new plants.
      - iii. The landscape plan shall be subject to the approval of the Borough Planner or Engineer.

3. Outdoor recreation and sports lighting shall comply in all other respects with the applicable design standards set forth herein.
- n. Lighting plan. The lighting plan shall be designed by a lighting design professional, who shall certify that the lighting plan conforms to these standards. The detailed lighting plan shall include:
    1. Description of outdoor lamp/luminaire combinations, including manufacturer's specifications, such as lamps, optics, angle of cutoff, poles and include manufacturer's catalog cuts.
    2. Locations and description of every outdoor enclosed light fixture, their aiming angles and mounting heights.
    3. Foundation details for pole-mounted lights.
    4. Computer-generated photometric grid showing footcandle readings every 25 feet and the average footcandles.
  - o. Light trespass (nuisance light). All light fixtures, except streetlighting maintained by a governmental authority or that was part of an approved subdivision or site plan, shall be designed, installed and maintained to prevent light trespass, as specified below:
    1. Facade lighting on schools, hospitals and other public buildings or incident illumination occurring above a height of five feet as measured at the property line of an adjacent residentially zoned property shall not exceed 0.1 footcandle.
    2. Outdoor light fixtures properly installed and thereafter maintained shall be directed so that there will not be any direct glare source visible from another property.
  - p. Prohibitions. The use or installation of the following outdoor light fixtures is prohibited:
    1. Sodium vapor lights shall not be permitted.
    2. Searchlights, flashing lights, or animated signs are prohibited other than as may be approved by the Borough Council. Temporary emergency lighting shall be excluded from this prohibition. Temporary seasonal lighting shall be excluded from this prohibition provided, however, that such lighting shall not create light trespass to adjacent properties or public rights-of-way.
    3. Outdoor lighting fixtures for purposes of private, commercial or industrial usage shall not be attached or mounted to public property (i.e., public buildings, utility poles, telephone poles, streetlights, road or street signs) or to any trees located within a public road right-of-way.

4. No outdoor lighting fixtures for purposes of private, commercial or industrial usage shall be erected within a public road right-of-way unless approval is obtained from the Borough Council.
- q. Modifications. The Planning Board may modify the above requirements where there is sufficient evidence that such requirements are inadequate, unnecessary or unreasonable.
- r. Administration. No building permit shall be issued or certificate of occupancy issued until all outdoor light fixtures installed and thereafter maintained in the Borough comply with the requirements specified in this section.
1. Issuance of building permit. No building permit shall be issued by the Construction Official for any proposed outdoor lighting unless and until a lighting plan as required by this chapter has been reviewed by the Borough Engineer and has been found to be in accordance with this chapter.
2. Certificate of occupancy. No certificate of occupancy shall be issued by the Construction Official unless and until proof has been submitted to him/her or her that all proposed outdoor lighting has been installed in compliance with an approved lighting plan or, in the case of one- and two-family dwellings, that the outdoor lighting conforms to § 25-1-14.7(c) of this chapter.
3. Enforcement. The Borough may conduct post-installation inspections of lighting fixtures in order to ensure compliance with ordinance requirements. All property owners and occupants shall control the placement and direction of all exterior lighting located within the property lot lines and ensure the lighting shall not create light trespass to adjacent properties or public rights-of-way. Corrective action may be required for any installation that does not meet ordinance criteria or which causes unacceptable levels of light trespass, glare or contributions to sky glow. Failure to comply with the requirements set forth herein shall be a violation of this chapter. The provisions of this chapter shall be enforced by the Zoning Official.
4. Violations. If the Zoning Official determines that an outdoor light is in excess of the standards established by this section, or that artificial light is emanating from inappropriate or misdirected light fixtures not in compliance with the provisions of this section, the Zoning Official shall give written notice by certified mail to the owner or tenant that the outdoor light(s) be turned off immediately and be made to comply or be removed within twenty (20) calendar days of such notice. Noncompliance by the owner or tenant upon whom the notice is served for any violation of the terms and conditions of this section shall be subject to the penalties stated in Chapter I, § 1-5, General Penalty.

**Section 4.** All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 5.** Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or

holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

**Section 6.** Except as amended by this ordinance, all other provision of the Borough's Revised General Ordinances shall remain in full force and effect.

**Section 7.** The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

**Section 8.** This ordinance shall be in full force and effect from and after its adoption and any publication according to law.

Introduced: July 5, 2022

Public Hearing: August 16, 2022

Adopted:

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Michele Clark, RMC  
Borough Clerk

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Collette J. Kennedy, Mayor  
Borough of Keyport