

CITY of ALBUQUERQUE SIXTEENTH COUNCIL

COUNCIL BILL NO. _____ ENACTMENT NO. _____

SPONSORED BY:

1 ORDINANCE

2 CITY OF ALBUQUERQUE CODE OF ORDINANCES
3 CHAPTER 14: ZONING, PLANNING AND BUILDING
4 ARTICLE 16: ZONING CODE

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6 14-16-1-5 DEFINITIONS

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8 (A) Word Forms: Unless a contrary intention clearly appears, the following words have,
9 for the purpose of this article, meanings interpreted as follows:

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11 [+ (5) Outdoor Lighting-related words not defined herein but which are defined by
12 the Illuminating Engineering Society of North America (IESNA) Lighting
13 Handbook, latest edition, are to be construed as defined therein.]

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15 Definitions. The following definitions apply:

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17 [+ DIRECTLY VISIBLE. Allowing a direct line-of-sight to the light source or lamp.

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19 FLOOD LIGHT. A form of lighting fixture designed to direct the output of a
20 contained lamp in a more-or-less specific direction, utilizing reflecting or
21 refracting elements located external to the lamp.

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23 FULLY SHIELDED LUMINAIRE. A luminaire constructed in such a manner that all
24 light emitted from the fixture, either directly by the lamp or indirectly after
25 reflection or refraction from any part of the fixture, is projected below the
26 horizontal, as determined by a photometric test or certified by the manufacturer.
27 Any structural part of the luminaire providing this shielding must be permanently
28 affixed.

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30 LIGHT SOURCE. The components of any luminaire through which visible light is
31 distributed, including the lamp or lamps, and any lens, reflector, refractor,
32 diffuser or globe which transmits the light there from.

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34 LUMINAIRE. The complete lighting assembly (including the lamp, housing,
35 reflectors, lenses and shields), less the support assembly (pole or mounting
36 bracket); a light fixture. For purposes of determining total light output from a
37 luminaire or light fixture, which includes multiple unshielded or partially shielded
38 lamps on a single pole shall be considered as a single unit.

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[+Bracketed/Underscored Material+] - New
[-Bracketed/Strikethrough Material-] - Deletion

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1 **MERCURY VAPOR LAMP. A lamp where the light is produced from mercury**
2 **vapor. Produces a bluish-green light.**

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4 **OUTDOOR LIGHT FIXTURE (OUTDOOR LUMINAIRE). An outdoor illuminating**
5 **device, lamp or similar device, permanently installed or portable, used for**
6 **illumination, decoration, or advertisement. Such devices shall include, but are not**
7 **limited to lights used for:**

8 **A. parking lot lighting;**

9 **B. roadway lighting;**

10 **C. buildings and structures;**

11 **D. recreational areas;**

12 **E. landscape lighting;**

13 **F. billboards and other signs (advertising or other);**

14 **G. product display area lighting;**

15 **H. building or structure decoration;**

16 **I. building overhangs and open canopies.**

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18 **OUTDOOR RECREATIONAL FACILITY. An area designed for active recreation,**
19 **whether publicly or privately owned, including, but not limited to, baseball**
20 **diamonds, soccer and football fields, golf courses, tennis courts, and swimming**
21 **pools.**

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

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29 **SIGN, EXTERNALLY ILLUMINATED. A sign illuminated by light sources from the**
30 **outside.**

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32 **SIGN, INTERNALLY ILLUMINATED. A sign illuminated by light sources enclosed**
33 **entirely within the sign cabinet and not directly visible from outside the sign.**

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35 **SPOT LIGHT. A lighting assembly designed to direct the output of a contained**
36 **lamp in a specific tightly focused direction (a beam) with a reflector located**
37 **external to the lamp.]**

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39 14-16-3-4 NONCONFORMANCE REGULATIONS

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41 **[(F) Nonconforming street and parking lot lighting. Lighting for streets installed**
42 **prior to adoption of this ordinance shall conform to the regulations contained**
43 **herein by March 1, 2012. Except,**

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45 **(1) For a, street or parking lot luminaire that becomes non-repairable,**
46 **the replacement luminaire shall be subject to the provisions of**
47 **this ordinance upon installation.**

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(2) Mercury vapor street luminaires and parking lot luminaires shall be removed or replaced with fully shielded luminaires that are compliant with this ordinance by March 1, 2008.

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5(G) Nonconforming outdoor non-residential property lighting. Non-conforming outdoor non-residential property lighting, installed prior to adoption of this ordinance, shall not be exempted from the regulations contained herein.

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(1) Where conformance may be achieved by adjusting, shielding, re-aiming or replacing an existing luminaire, such installation shall be made to conform by March 1, 2006.

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(2) Signs, externally illuminated. Where conformance may be achieved by fully shielding 'uplit' and/or 'sidelit' signs, such that the luminaire light output is fully shielded to fall only onto the face of the sign, it shall be made to conform by March 1, 2006.

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(3) Sign illumination curfew. All affected signs shall be made to conform by March 1, 2006.

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(4) Externally illuminated buildings and structures curfew. All affected buildings and structures shall be made to conform by March 1, 2006.

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(5) Outdoor floodlight luminaires shall be made to conform as fully shielded luminaires, and so that the light source is not directly visible to any residentially zoned property by March 1, 2006.

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(6) Mercury vapor luminaires shall be removed or replaced with fully shielded luminaires that are compliant with this ordinance by March 1, 2006.

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(7) All building additions or modification of twenty-five (25) percent or more gross floor area, either with a single addition or with cumulative additions subsequent to the effective date of this provision, shall invoke the requirements of this Code for the entire property, including previously installed outdoor lighting.

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(H) Nonconforming outdoor residential property lighting. Nonconforming outdoor residential property lighting installed prior to adoption of this ordinance shall not be exempted from the regulations contained herein.

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(1) Where conformance may be achieved by adjusting, shielding or re-aiming of a luminaire, or by replacement of an existing lamp with one not greater than 75 watts, such installation shall be made to conform by March 1, 2006.

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(2) Mercury vapor luminaires shall be removed or replaced with fully shielded luminaires that are compliant with this ordinance by March 1, 2006.

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2(l) Nonconforming outdoor recreational facility lighting. Outdoor recreational facility lighting installed prior to adoption of this ordinance shall conform to the regulations contained herein by March 1, 2012. Except,

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(1) For a recreational facility luminaire that becomes non-repairable, the replacement luminaire shall be subject to the provisions of this ordinance upon installation.

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(2) Where conformance may be achieved by adjusting, shielding or re-aiming of a luminaire such installation shall be made to conform by March 1, 2008.

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14 14-16-3-5 GENERAL SIGN REGULATIONS

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16 (B) Regulations Applicable to Signs in All Zones

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(1) Prohibited Signs. The following signs are prohibited and shall be removed or brought into conformance in accordance with 14-16-4-11 of this Zoning Code:

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[(m) Signs that incorporate ‘uplighting’ or ‘sidelighting’ are prohibited. Only top-mounted and fully shielded luminaires are allowed for externally illuminated signs.]

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31 14-16-3-9 [AREA] [+OUTDOOR] LIGHTING REGULATIONS

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(C) – (F) of existing Zoning Code. This will now become (A) (1) – (4).]

[(B) Street lighting, parking lot lighting, and off street parking lighting regulations.]

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(1) Street luminaires, parking lot luminaires, and off street parking luminaires shall be fully shielded.

(2) Mercury vapor luminaires, and floodlight luminaires are prohibited.

7(C) Non-residential outdoor lighting regulations.

(1) Outdoor non-residential lighting shall be fully shielded. The luminaires shall be located, aimed, and shielded so that they are not directly visible from any residentially zoned property.

(2) Canopies. All fuel sales, drive-in, and drive-through canopy luminaires shall be fully shielded and mounted on or recessed into the lower surface of the canopy ceiling. Canopy lighting shall be turned off during non-business hours.

(3) Outdoor sales and display areas. Outdoor sales and display area lighting shall be fully shielded. Lighting used after the close of business shall be only for security purposes, not to exceed one third (1/3) of the total luminaires lit during business hours by March 1, 2006.

(4) Externally illuminated buildings and structures. Buildings and structures that incorporate 'uplighting' or 'sidelighting' are prohibited. Only fully shielded luminaires are allowed and all externally illuminated buildings and structures shall be turned off no later than 11:00 p.m. each day, by March 1, 2006.

(5) Mercury vapor luminaires and floodlight luminaires are prohibited.

33(D) Recreational outdoor lighting regulations.

(1) Outdoor recreational lighting shall be fully shielded.

(2) Outdoor recreational lighting shall not be on, or left on, if no activity or event at the associated facility is taking place.

(3) No recreational lighting shall be on after 11:00 p.m., except to conclude a specific recreational or sporting event in progress prior to 9:00 p.m.

(4) Mercury vapor luminaires and floodlight luminaires are prohibited.

47(E) Residential outdoor lighting regulations.

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- (1) Light bulbs exceeding 75 watts must be enclosed in a fully shielded luminaire and the bulb itself cannot be directly visible from any other residential property.
- (2) Sensor-activated lighting shall be aimed and adjusted to prevent activating from off the property and timed to turn off within five minutes after activation.
- (3) Mercury vapor luminaires and floodlight luminaires are prohibited.

12 **(F) Lighting exemptions. These outdoor lighting regulations shall not apply to the**
13 **following:**

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- (1) Low wattage seasonal (holidays, events, etc.) or decorative lighting.
- (2) Emergency lighting used by police, firefighting, or medical personnel.
- (3) Hospitals, police stations and fire stations are exempt from the building and structure lighting curfew.
- (4) Street signs and traffic signals are exempt from the sign illumination curfew.
- (5) Temporary construction lighting. However, temporary construction lighting shall comply with OSHA standards. 'Temporary' is considered to be six (6) months or less.
- (6) Swimming pool and fountain lighting. Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards listed in this code.]

35 14-16-3-17 Wireless Telecommunications Regulations

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37 (A) Basic Requirements

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(2) Lighting and Signage

(a) Only security lighting or lighting required by a state and/or federal agency is allowed, provided:

- 1. The location of the lighting fixture together with its cut-off angle shall be such that it does not shine directly on any public right-of-way or any residential premises.
- 2. ~~The lighting shall not have an off-site luminance greater than 1,000 footlamberts; it shall not have an off-site luminance greater than 200~~

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~~footlamberts measure from any private property in a residential zone. }~~

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5CITY OF ALBUQUERQUE CODE OF ORDINANCES

6CHAPTER 14: ZONING, PLANNING AND BUILDING

7ARTICLE 1: UNIFORM ADMINISTRATIVE CODE AND TECHNICAL CODES

8

9CHAPTER 3: PERMITS AND INSPECTIONS

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11SECTION 302: APPLICATION FOR PERMIT

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13302.2 SUBMITTAL DOCUMENTS

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15 **[+Outdoor lighting compliance submittal. The applicant for any permit**
16**required by any provision of the City Administrative Code in connection with**
17**proposed work involving outdoor lighting shall submit (as part of the application**
18**for permit) evidence that the proposed work will comply with the Zoning Code.**
19**Even should no other such permit be required, the installation or modification**
20**(except for routine servicing and same-type lamp replacement) of any outdoor**
21**lighting shall require submission of the information described below.**

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23**The outdoor lighting compliance submittal shall contain, but not be limited to, the**
24**following:**

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26 **1. Exterior lighting plan(s) indication the location on the premises of**
27 **all proposed outdoor lighting luminaires.**

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29 **2. Description of all outdoor luminaires. The description may**
30 **include, but is not limited to catalog cuts and/or drawings by**
31 **manufacturers detailing types of fixtures, shielding**
32 **characteristics, type of lamps (source, wattage, initial lumen**
33 **output), mounting heights, aiming angles, and photometric data.**

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35 **3. The outdoor lighting submittal shall be submitted to the Plans**
36 **Review Section of the City Buildings & Safety Division for**
37 **approval.**

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39**Luminaire or lamp substitution: If any outdoor luminaire or the type of light**
40**source (lamp) contained therein is proposed to be changed after the permit has**
41**been issued, a change request must be submitted to the City Plans Review**
42**Section for approval. Adequate information to ensure compliance with this article**
43**must be provided and the request must be received prior to substitution.]**

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46**Severability Clause.** If any section, paragraph, sentence, clause, word or phrase of
47this ordinance is for any reason held to be invalid or unenforceable by any court of
48competent jurisdiction, such decision shall not affect the validity of the remaining
49provisions of this ordinance. The Council hereby declares that it would have passed this

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1 ordinance and each section, paragraph, sentence, clause word or phrase thereof
2 irrespective of any provision being declared unconstitutional or otherwise invalid.

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4 **Effective Date.** This ordinance shall take effect five days after publication in full.

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