

Zoning Text Amendment No: 07-01
Concerning: Outdoor Lighting Standards
Draft No. & Date: 4 – 2/6/07
Introduced: February 13, 2007
Public Hearing: March 20, 2007; 1:30 p.m.
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Council President Praisner and Councilmember Trachtenberg

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- make standards and procedures governing outdoor lighting consistent with the County Light Control Law;
- require non-conforming lighting to comply with the County Light Control Law by a certain date; and
- generally amend provisions relating to outdoor lighting.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-A-4	“County Board of Appeals”
Section 59-A-4.22	“Data to accompany petition for special exception”
DIVISION 59-C-2	“Residential Zoning, Multiple-Family”
Section 59-C-2.23	“R-H zone-lighting”
DIVISION 59-C-4	“Commercial Zones”
Section 59-C-4.367	“Special regulations applicable to designated automobile-related users”
Section 59-C-4.397	“Off-street parking”
DIVISION 59-C-5	“Industrial Zones”
Section 59-C-5.473	“Development standards”
DIVISION 59-C-7	“Planned Unit Development Zones”
Section 59-C-7.27	“Utilities”
Section 59-C-7.57	“Public facilities and utilities”
DIVISION 59-C-9	“Agricultural Zones”
Section 59-C-9.31	“Equestrian facility standards as permitted use in the agricultural zones”
DIVISION 59-C-11	“Mixed-Use Town Center Zone (MXTC)”
Section 59-C-11.3.1	“Site plan approval”
DIVISION 59-C-12	“Mineral Resources Recovery Zone”
Section 59-C-12.6	“Special regulations”

DIVISION 59-C-18	“Overlay Zones”
Section 59-C-18.104	“Site plan contents and exemptions”
Section 59-C-18.124	“Site plan contents and exemptions”
Section 59-C-18.184	“Site plan contents and exemptions”
Section 59-C-18.232	“Regulations”
DIVISION 59-D-3	“Site Plans”
Section 59-D-3.23	“Proposed development”
Section 59-D-3.4	“Action by Planning Board”
DIVISION 59-E-2	“Plans and Design Standards”
Section 59-E-2.6	“Lighting”
DIVISION 59-E-4	“Parking Facility Plans for Projects Constructed in Accordance with Building Permits file after June 28, 1984”
Section 59-E-4.1	“Parking facilities plan objectives”
DIVISION 59-F-4	“Permanent Signs”
Section 59-F-4.1	“Generally”
DIVISION 59-G-1	“Special Exceptions – Authority and Requirements”
Section 59-G-1.23	“General development standards”
DIVISION 59-G-2	“Special Exceptions – Standards and Requirements”
Section 59-G-2.06	“Automobile filling stations”
Section 59-G-2.09	“Automobile, truck and trailer rentals, outdoor
Section 59-G-2.11.1	“Car wash”
Section 59-G-2.15	“Combination retail store”
Section 59-G-2.16	“Drive-in restaurants”
Section 59-G-2.24	“Golf course and country club”
Section 59-G-2.241	“Golf course in the RDT zone”
Section 59-G-2.36.4	“Meeting centers”
Section 59-G-2.45	“Equestrian facility in residential zone”

By adding the following section to the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-G-4	“Nonconforming Uses, Buildings, and Structures”
Section 59-G-4.6	“Termination of nonconforming outdoor lighting”

*EXPLANATION: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
* * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

28 **DIVISION 59-C-2. RESIDENTIAL ZONES, MULTIPLE-FAMILY.**

29 * * *

30 **59-C-2.23. R-H zone-Lighting.**

31 [Luminaries] In addition to complying with the lighting standards established
32 under Chapter 29B, luminaries on parking lots must not be more than 10 feet above
33 ground level and outdoor lighting must not shine in apartment windows or reflect
34 or cause glare into abutting or facing premises.

35 **Sec. 3. Division 59-C-4 is amended as follows:**

36 **DIVISION 59-C-4. COMMERCIAL ZONES.**

37 * * *

38 **59-C-4.367. Special regulations applicable to designated automobile-related**
39 **uses.**

40 * * *

41 (c) **Lighting.** [In order to prevent any objectionable glare on surrounding
42 properties or streets, the exterior lighting plan that is submitted as part
43 of the required site plan must indicate the height, number and types of
44 lighting fixtures, and a diagram showing their light distribution
45 characteristics] The petitioner must submit:

46 (1) a lighting plan approved by the Department under Section 29B-
47 6; or

48 (2) if the lighting is exempt from Section 29B-6, a diagram
49 showing the type, location, and height of each outdoor light
50 fixture and any other information necessary to show how the
51 lighting complies with Chapter 29B.

52 * * *

53 **59-C-4.397. Off-street parking.**

54 * * *

55 (b) **Design.** The design and location of any parking facility must
56 minimize any adverse effect [upon] on surrounding land and
57 development[,] and comply with the following requirements:

58 * * *

59 (3) [Low-level lighting, designed so as to prevent glare off the site]
60 Lighting must comply with the standards set under Chapter
61 29B;

62 * * *

63 **Sec. 4. Division 59-C-5 is amended as follows:**

64 **DIVISION 59-C-5. INDUSTRIAL ZONES.**

65 * * *

66 **59-C-5.473. Development standards.**

67 * * *

68 (j) **Site lighting standards.**

69 (1) Site lighting must [be provided to] maintain a minimum level of
70 illumination within the parking areas (ft. candle minimum
71 maintained).

72 (2) [Maximum] In addition to complying with all lighting standards
73 set under Chapter 29B, maximum pole heights for drives and
74 parking lots must be approximately 24 feet with "cut off" type
75 luminaries. Poles and luminaries must be compatible with
76 established lighting in the existing core area.

77 (3) Lighting bollards must be used adjacent to pedestrian walk
78 areas. The design must be compatible with architectural
79 materials.

80 **Sec. 5. Division 59-C-7 is amended as follows:**

81 **DIVISION 59-C-7. PLANNED UNIT DEVELOPMENT ZONES.**

82 * * *

83 **59-C-7.27. Utilities.**

84 (a) All utility lines in the town sector zone [shall] must be placed
85 underground. The developer or subdivider [shall] must ensure final
86 and proper completion and installation of utility lines as provided in
87 [the subdivision regulations, being section] Section 50-40(c) [of this
88 Code]. [Standards for] All street lighting [shall be provided by the
89 developer in accordance with the approved site plan] must comply
90 with all lighting standards set under Chapter 29B.

91 * * *

92 **59-C-7.57. Public facilities and utilities.**

93 * * *

94 (b) All utility lines in the mixed use planned development zone [shall]
95 must be placed underground. The developer or subdivider [shall] must
96 ensure final and proper completion and installation of utility lines as
97 provided in [the subdivision regulations being section] Section 50-
98 40(c) [of this Code]. [Standards for] All street lighting [shall be
99 provided by the developer in accordance with the approved site plan]
100 must comply with all lighting standards set under Chapter 29B.

101 **Sec. 6. Division 59-C-9 is amended as follows:**

102 **DIVISION 59-C-9. AGRICULTURAL ZONES.**

103 * * *

104 **59-C-9.31. Equestrian facility standards as a permitted use in the**
105 **agricultural zones.**

106 * * *

107 (f) Lighting.

108 [Any] In addition to complying with all lighting standards set under
109 Chapter 29B, all outdoor arena lighting must direct light downward
110 using full cutoff fixtures, not produce any glare or direct light onto
111 nearby properties, and not be illuminated after 10 p.m., except for an
112 equestrian event which must not be illuminated after 9 p.m. Sunday
113 through Thursday. [A lighting plan that establishes compliance with
114 this provision must be submitted to Planning Board staff for approval
115 before an electrical permit may be issued] Before the Department
116 issues an electrical permit, the petitioner must submit to the
117 Department:

- 118 (1) a lighting plan approved by the Department under Section 29B-
119 6; or
- 120 (2) if the lighting is exempt from Section 29B-6, a diagram
121 showing the type, location, and height of each outdoor light
122 fixture and any other information necessary to show how the
123 lighting complies with this Section and Chapter 29B.

124 * * *

125 **Sec. 7. Division 59-C-11 is amended as follows:**

126 **DIVISION 59-C-11. MIXED-USE TOWN CENTER ZONE (MXTC).**

127 * * *

128 **59-C-11.3.1. Site Plan Approval.**

129 For the MXTC zone and the MXTC/TDR zone, site plan approval is
130 required for:

131 * * *

- 132 2. All optional method development projects. For an optional method
133 development project, the Board must find that the proposed
134 development:

- 135 a. conforms to recommendations of the applicable [approved and
- 136 adopted] master or sector plan;
- 137 b. is not detrimental to any existing development [due to] because
- 138 of the size, intensity, design, scale, and operational
- 139 characteristics of its uses;
- 140 c. satisfies the public use space requirements of the zone;
- 141 d. takes maximum advantage of the topography, vistas, facade
- 142 articulation, and other urban design elements to create an
- 143 attractive physical environment;
- 144 e. provides adequate linkages among different functions or
- 145 structures, open areas, public amenities, parking, and adjoining
- 146 properties and streets; [and]
- 147 f. provides adequate parking and loading service areas with
- 148 appropriate landscaping[,], and screening[,], and lighting that will
- 149 not adversely affect adjoining neighborhoods]; and
- 150 g. in addition to complying with all lighting standards set under
- 151 Chapter 29B, provides lighting that does not adversely affect
- 152 adjoining neighborhoods.

153 **Sec. 8. Division 59-C-12 is amended as follows:**

154 **DIVISION 59-C-12. MINERAL RESOURCE RECOVERY ZONE.**

155 * * *

156 **59-C-12.6. Special regulations.**

157 * * *

- 158 (e) **Lighting.** An exterior lighting plan that shows how the lighting
- 159 complies with all standards set under Chapter 29B must be included
- 160 with the development plan, indicating the height, number and types of
- 161 fixtures, and a diagram showing their distribution characteristics.

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Sec. 9. Division 59-C-18 is amended as follows:

DIVISION 59-C-18. OVERLAY ZONES.

* * *

59-C-18.104. Site plan contents and exemptions.

* * *

(b) A site plan for development in the Wheaton CBD overlay zone must include:

* * *

(8) [an exterior lighting plan, including all parking areas, driveways and pedestrian ways, alleys, building security lights, and the height, number, and type of fixtures with a diagram showing their light distribution characteristics]

(A) a lighting plan approved by the Department under Section 29B-6; or

(B) if the lighting is exempt from Section 29B-6, a diagram showing the type, location, and height of each outdoor light fixture and any other information necessary to show how the lighting complies with Chapter 29B; and

* * *

59-C-18.124. Site plan contents and exemptions.

* * *

(b) A site plan for development in the Arlington Road District overlay zone must include:

* * *

(8) [an exterior lighting plan, including all parking areas, driveways and pedestrian ways, and the height, number, and

189 type of fixtures with a diagram showing their light distribution
190 characteristics]

191 (A) a lighting plan approved by the Department under
192 Section 29B-6; or

193 (B) if the lighting is exempt from Section 29B-6, a diagram
194 showing the type, location, and height of each outdoor
195 light fixture and any other information necessary to show
196 how the lighting complies with Chapter 29B; and

197 * * *

198 **59-C-18.184. Site plan contents and exemptions.**

199 * * *

200 (b) A site plan for development in the Sandy Spring/Ashton Rural Village
201 Overlay Zone must include:

202 * * *

203 (10) [An exterior lighting plan, including all parking areas,
204 driveways and pedestrian ways, and the height, number, and
205 type of fixtures with a diagram showing their light distribution
206 characteristics]

207 (A) a lighting plan approved by the Department under
208 Section 29B-6; or

209 (B) if the lighting is exempt from Section 29B-6, a diagram
210 showing the type, location, and height of each outdoor
211 light fixture and any other information necessary to show
212 how the lighting complies with Chapter 29B; and

213 * * *

214 **59-C-18.232. Regulations.**

215 (a) *Commercial zones.* Where a lot is either partially or totally in a
216 commercial zone, the following regulations apply:

217 * * *

218 (2) *Development standards:*

219 * * *

220 (G) [All] In addition to complying with all lighting standards
221 set under Chapter 29B, all outdoor lighting of
222 commercial uses must be located, shielded, landscaped or
223 otherwise buffered so that no direct light intrudes into an
224 adjacent residential property. Unless the Planning Board
225 requires different standards for a recreational facility or
226 to improve public safety, luminaries must incorporate a
227 glare and spill light control device to minimize glare and
228 light trespass.

229 * * *

230 **Sec. 10. Division 59-D-3 is amended as follows:**

231 **DIVISION 59-D-3. SITE PLAN.**

232 * * *

233 **59-D-3.23. Proposed development.**

234 A plan of the proposed development, including the following information unless
235 the Planning Director waives any item at the time of application as unnecessary
236 because of the limited scope of the proposal:

237 * * *

238 (l) [An exterior lighting plan, including all parking areas,
239 driveways and pedestrian ways, and including the height,
240 number and type of fixtures and a diagram showing their light
241 distribution characteristics]

242 (A) A lighting plan approved by the Department under
243 Section 29B-6; or

244 (B) If the lighting is exempt from Section 29B-6, a diagram
245 showing the type, location, and height of each outdoor
246 light fixture and any other information necessary to show
247 how the lighting complies with Chapter 29B.

248 * * *

249 **59-D-3.4. Action by Planning Board.**

250 * * *

251 (c) In reaching its decision the Planning Board must require that:

252 * * *

253 (5) the site plan meets all applicable requirements of Chapter 22A
254 regarding forest conservation, Chapter 19 regarding water
255 resource protection, Chapter 29B regarding outdoor lighting,
256 and any other applicable law.

257 * * *

258 **Sec. 11. Division 59-E-2 is amended as follows:**

259 **DIVISION 59-E-2. PLANS AND DESIGN STANDARDS.**

260 * * *

261 **59-E-2.6. Lighting.**

262 Adequate lighting [shall] must be provided for surface parking facilities used at
263 night and for structured parking as required by construction codes. [Lighting shall]
264 In addition to complying with all lighting standards set under Chapter 29B, lighting
265 must be installed and maintained in a manner that does not [to] cause glare or
266 reflection into abutting or facing residential premises[, nor to] or interfere with safe
267 operation of vehicles moving on or near the premises.

268 **Sec. 12. Division 59-E-4 is amended as follows:**

269 **DIVISION 59-E-4. PARKING FACILITY PLANS FOR PROJECTS**
270 **CONSTRUCTED IN ACCORDANCE WITH BUILDING PERMITS FILED**
271 **AFTER JUNE 28, 1984.**

272 * * *

273 **59-E-4.2. Parking facilities plan objectives.**

274 A parking facility plan [shall] must accomplish the following objectives:

275 * * *

276 (d) The provision of appropriate lighting that complies with all lighting
277 standards set under Chapter 29B, if the parking [is to] will be used
278 after dark.

279 **Sec. 13. Section 59-F-4.1 is amended as follows:**

280 **59-F-4.1. Generally.**

281 * * *

282 (e) **Illumination.** When illumination of a sign is permitted it must
283 comply with the following restrictions:

284 * * *

285 (2) **Prevention of Glare.** [Sign] In addition to complying with all
286 lighting standards set under Chapter 29B, sign illumination
287 must use an enclosed lamp design or indirect lighting from a
288 shielded source in a manner that prevents glare from beyond the
289 property line. Glare is a direct or reflected light source creating
290 a harsh brilliance that causes [the] an observer to squint, shield,
291 or avert the eyes.

292 * * *

293 **Sec. 14. Division 59-G-1 is amended as follows:**

294 **DIVISION 59-G-1. SPECIAL EXCEPTIONS—AUTHORITY AND**
295 **PROCEDURE.**

296 * * *

297 **59-G-1.23. General development standards.**

298 * * *

299 (h) **Lighting in residential zones.** [All] In addition to complying with all
300 lighting standards set under Chapter 29B, all outdoor lighting must be
301 located, shielded, landscaped, or otherwise buffered so that no direct
302 light intrudes into an adjacent residential property. The following
303 lighting standards must be met unless the Board requires different
304 standards for a recreational facility or to improve public safety:

- 305 (1) Luminaires must incorporate a glare and spill light control
- 306 device to minimize glare and light trespass.
- 307 (2) Lighting levels along the side and rear lot lines must not exceed
- 308 0.1 foot candles.

309 **Sec. 15. Division 59-G-2 is amended as follows:**

310 **DIVISION 59-G-2. SPECIAL EXCEPTIONS—STANDARDS AND**
311 **REQUIREMENTS.**

312 * * *

313 **59-G-2.06. Automobile filling stations.**

314 * * *

315 (b) In addition, the following requirements must be complied with:

316 * * *

317 (3) [Lighting is] In addition to complying with all lighting
318 standards set under Chapter 29B, lighting must not [to] reflect
319 or cause glare into any residential zone.

320 * * *

321 **59-G-2.09. Automobile, truck and trailer rentals, outdoor.**

322 * * *

323 (b) In addition, the following requirements must be complied with:

324 * * *

325 (6) [Lighting shall] In addition to complying with all lighting
326 standards set under Chapter 29B, lighting must be low level and
327 [so]arranged [as]not to reflect or cause glare into any residential
328 zone.

329 * * *

330 **59-G-2.11.1. Car wash.**

331 In addition to meeting the general conditions for the grant of a special exception a
332 car wash may be allowed [provided that] if:

333 * * *

334 (d) in addition to complying with all lighting standards set under Chapter
335 29B, lighting [is] would not [to] reflect or cause glare into any
336 residential area.

337 * * *

338 **59-G-2.15. Combination Retail Store.**

339 A special exception for a combination retail store may be granted, subject to the
340 following requirements:

341 * * *

342 (f) [Lighting] In addition to complying with all lighting standards set
343 under Chapter 29B, lighting must not reflect[,] or cause glare[,] on
344 any property located in a residential zone.

345 **59-G-2.16. Drive-in restaurants.**

346 A drive-in restaurant may be allowed, [upon a finding] if the Board finds, in
347 addition to findings required in [division] Division 59-G-1, that:

348 * * *

349 (f) [Lighting is] In addition to complying with all lighting standards set
350 under Chapter 29B, lighting would not [to] reflect or cause glare into
351 any residential zone.

352 * * *

353 **59-G-2.24. Golf course and country club.**

354 A golf course or country club must adhere to the following standards and
355 requirements:

356 * * *

357 (c) [All] In addition to complying with all lighting standards set under
358 Chapter 29B, all outdoor lighting must be located, shielded,
359 landscaped, or otherwise buffered so that no direct light intrudes into
360 any residential area.

361 * * *

362 **59-G-2.241. Golf Course in the RDT Zone.**

363 * * *

364 (f) No outdoor lighting is permitted except for security and safety
365 purposes. [Any such] In addition to complying with all lighting
366 standards set under Chapter 29B, all lighting must be shielded so that
367 direct light is not visible from any residence and would not adversely
368 affect an adjoining road, highway, or other nearby use.

369 * * *

370 **59-G-2.36.4. Meeting centers.**

371 * * *

372 (b) [Lighting] In addition to complying with all lighting standards set
373 under Chapter 29B, all lighting, including permitted illuminated signs
374 and on-site lighting, must be arranged so [as] it does not [to] reflect or
375 cause glare into any residential zone. Further automobile headlight

376 glare from the use must be fully screened from any abutting
377 residential use.

378 * * *

379 **59-G-2.45. Recreational or entertainment establishments, commercial.**

380 * * *

381 (b) [Lighting is] In addition to complying with all lighting standards set
382 under Chapter 29B, lighting must not [to] reflect or cause glare into
383 any residential zone.

384 * * *

385 **59-G-2.49. Equestrian facility in a residential zone.**

386 * * *

387 (g) [Any] In addition to complying with all lighting standards set under
388 Chapter 29B, any outdoor arena lighting must direct light downward
389 using full cutoff fixtures, not produce any glare or direct light onto
390 nearby properties, and not be illuminated after 10 p.m. except for an
391 equestrian event which must not be illuminated after 9 p.m. Sunday
392 through Thursday. [The Board may require that a lighting plan be
393 submitted to Planning Board staff for approval] The petitioner must
394 submit:

395 (A) A lighting plan approved by the Department under
396 Section 29B-6; or

397 (B) If the lighting is exempt from Section 29B-6, a diagram
398 showing the type, location, and height of each outdoor
399 light fixture and any other information necessary to show
400 how the lighting complies with this Section and Chapter
401 29B.

402 **Sec. 16. Division 59-G-4 is amended as follows:**

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Section 59-G-4.6 is added as follows:

59-G-4.6. Termination of nonconforming outdoor lighting.

- (a) Notwithstanding any other provision of this Article, each building, structure, and use must comply with the applicable lighting standards under Chapter 29B.
- (b) In order to provide a period of amortization, any outdoor light fixture or outdoor lighting system for a building, structure, or use that exists before January 1, 2008 and was legal when installed may continue to be used until January 1, 2013.
- (c) On January 1, 2013, the use of any nonconforming outdoor lighting system must stop.

Sec. 17. Effective date. This ordinance takes effect on January 1, 2008.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council