

PROPOSED AMENDMENTS TO CUSTER COUNTY ZONING RESOLUTION OF 2016

(Page 24) Definition of Light Pollution

Now reads: Degradation of the night sky by artificial light rays above the projected horizontal plane of a light fixture.

Proposed change: No changes proposed.

(Page 58) Proposed addition to Section 6: Paragraph 6.9 will be added and will read as follows:

6.9 OUTDOOR LIGHTING REQUIREMENTS

For residential and non-residential construction that occurs on property located in the unincorporated areas of Custer County and that requires the issuance of a zoning permit from the Custer County Planning and Zoning Office before such construction commences, all outdoor light fixtures to be used, whether attached to structures or to free-standing poles or utilized in some other fashion, shall be shielded in a manner designed to prevent light pollution as defined in Section 3 of this Zoning Resolution. This requirement shall not apply to outdoor light fixtures that were in existence prior to March 1, 2018. See Appendix J for further information.

(Page 63) PROPOSED ADDITION TO SECTION 8.2:

G. All outdoor light fixtures are properly shielded to prevent light pollution.

(Page 140) Addition to paragraph D.3 of Appendix D:

o.(this subparagraph is reserved for language concerning reflective address markers as required by Section 8.2.F and does not affect light pollution)

p. Applicant is in compliance with the requirements for outdoor lighting as set forth in Section 8.2.G. and Appendix J.

Proposed addition of a new appendix to the Zoning Resolution:

APPENDIX J: LIGHT POLLUTION

The Planning Commission and the Board of County Commissioners for Custer County have determined that artificial outdoor lighting should be regulated only to the extent necessary to protect and promote the health, safety and general welfare of the citizens of Custer County. All artificial outdoor lighting for new construction (both residential and non-residential), shall be subject to said regulations. All outdoor lighting that existed in the unincorporated areas of Custer County as of March 1, 2018, shall be “grandfathered in”; that is, such lighting shall not be subject to the regulations set forth in this Zoning Resolution.

Outdoor lighting consists of two components: a light fixture and a light bulb. An outdoor light fixture is an electrical device which is typically attached to a pole or the exterior of a structure and which holds a lighting element commonly known as a light bulb. The light fixture, which supplies electrical current to the light bulb, is affixed in such a manner that it is not easily removed. The most common variety of light bulbs are: incandescent, fluorescent, halogen, light-emitting diode (LED), and high-intensity discharge (HID) such as mercury vapor, low pressure sodium, high pressure sodium, and metal halide. Light bulbs are designed to be easily removed from a light fixture and replaced when they burn out, break, or otherwise cease to emit light.

Any condition or circumstance resulting in the replacement of a non-conforming light fixture that was “grandfathered in” shall require the installation of a conforming light fixture in its place. Any new or additional outdoor light fixtures to be installed on property that was otherwise “grandfathered in” shall also require the installation of conforming light fixtures. There is no restriction on replacing light bulbs in outdoor light fixtures that are “grandfathered in”.

With the exception of light fixtures that are “grandfathered in” as set forth above, all light bulbs of whatever type used for outdoor lighting that emit more than 500 lumens shall be shielded. A “lumen” is a measurement of the brightness of a particular light bulb. The use of LED lighting is strongly encouraged as being the most energy efficient lighting currently available. If LED lighting is used it shall not exceed 3000 Kelvin, which is a measure of the color temperature of a light bulb. Information about the lumens value and the Kelvin value of a particular light bulb may be found on the packaging in which such light bulbs are sold.

No open zoning permit shall be closed until such time as a compliance inspection as described in Section 8 and Appendix D of this Zoning Resolution establishes that artificial outdoor lighting meets the standards set forth herein. The remedies for non-compliance set forth in D.3(4)(b) of Appendix D shall apply.

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