

BIRMINGHAM TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
Zoning Ordinance Section 122
Passed 02/18/03

Section 122-6 Definitions

Footcandle - a unit of incident light quantity measurable with an illuminance meter, a.k.a. footcandle meter or light meter.

Full Cutoff - a term used by the lighting industry to describe a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.

Glare - the sensation produced by excessive direct or reflected light that causes annoyance, discomfort or loss in visual performance to the eye. Glare is subjective and cannot be measured with a meter.

Illuminance - the quantity of incident light per unit area, measured with a light meter in footcandles (or lux).

Light Trespass - the light created by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

Lumen - the light-output rating of a lamp (light bulb), as used in the context of this Ordinance.

Section 122-102.G Lighting

- (1) Control of Nuisance and Disabling Glare
 - (a) All outdoor lighting, whether or not required or permitted by this ordinance, on private, residential, commercial, industrial, municipal, recreational or institutional property; shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
 - (b) Floodlights, spotlights and omni-directional fixtures, regardless of whether for residential or non-residential applications, shall be so installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, skyward or onto a public roadway or pedestrian way.
 - (c) Lighting for commercial, industrial, public recreational and institutional uses, including but not limited to lighting for parking areas, roadways, pathways, facades, signs and landscaping, shall be extinguished by automatic means within ½ hour after the close of business. Where after hours lighting is requested by the applicant for safety and/or security, the Board may permit such lighting provided that the intensity of such lighting shall not exceed 50% of the intensities permitted during normal business hours.

- (d) Only the United States and state flags shall be permitted to be illuminated from dusk till dawn and each flag shall be illuminated by a single source with a beam spread no greater than necessary to illuminate the flag. Flag lighting sources shall not exceed 10,000 lumens per flagpole.
 - (e) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and placement.
 - (f) Externally illuminated signs and billboards shall be lighted by fixtures mounted at the top of the sign and aimed downward. Such lighting shall be automatically extinguished between the hours of 11 p.m. and dawn. The fixtures shall be designed, fitted or aimed to concentrate the light output onto and not beyond the sign or billboard.
 - (g) Internally illuminated signs shall have a dark background with light lettering and graphics.
 - (h) Directional fixtures, e.g., floodlights or spotlights, for such applications as façade, fountain, feature, recreational and landscape illumination, shall be aimed so as not to project their output beyond the objects intended to be illuminated, and shall be extinguished between the hours of 11 p.m. and dawn, except as otherwise provided for herein.
 - (i) The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications/television towers is prohibited during hours of darkness, except as specifically required by FAA.
 - (j) Lighting fixtures that light the area under outdoor canopies shall have flat lenses and shall be shielded in such a manner that no light is emitted above a horizontal plane passing through the lowest point of the light-emitting element.
- (2) Compliance Monitoring
- (a) Safety Hazards
 - [1] If the Township Zoning Officer finds that a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action.
 - [2] If appropriate corrective action has not been effected within thirty (30) days of written notification, the Township may enforce the terms of this Section in accordance with Section 122-114 of this Chapter.
 - (b) Nuisance Glare and Inadequate Illumination Levels

- [1] If the Zoning Officer finds that a lighting installation produces unacceptable levels of nuisance glare, direct skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, the Township may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action.
 - [2] If appropriate corrective action has not been effected within thirty (30) days of notification, the Township may enforce the terms of this Section in accordance with Section 122-114 of this Chapter.
- (3) Nonconforming Lighting
- (a) Any lighting fixture or lighting installation existing on the effective date of this Ordinance that does not conform with the requirements of this Ordinance, shall be considered as a lawful nonconforming.
 - (b) Unless minor corrective action is deemed by the Township to be an acceptable alternative, a nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this Ordinance when:
 - [1] It is deemed by the Township to create a nuisance or safety hazard;
 - [2] it is replaced or relocated; or
 - [3] the use is abandoned or there is a change in use of the property on which the area being illuminated is located.
- (4) Abatement of Nuisances
- (a) In addition to any other remedies provided in this Ordinance, any violation of Section (1) of this Section, titled, " Control of Nuisance and Disabling Glare," shall constitute a nuisance and shall be abated by the Township by either seeking mitigation of nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

Section 122-119A governing Conditional Use Applications shall be amended to state as follows:

- A. Application. An application for conditional use approval shall be accompanied by proposed plans of the development or subdivision showing all proposed buildings (or building envelopes, if applicable) and accessory facilities (including roads, access drives and parking areas as applicable), utilizing plans with accurate topography and natural features information, containing the information prescribed for a preliminary subdivision or land development plan as specified in Section 103-20B and 103-40 of Chapter 103, Subdivision and Land Development. The plans and accompanying information, (in graphic and/or written materials shall demonstrate compliance with all applicable standards to

be met, including but not limited to feasibility of water supply, sanitary sewage disposal, lighting and storm drainage control.”

Section 122-128A(5) governing Special Exceptions in Chapter 122, Zoning shall be repealed and revised Section 122-128A(5) shall be adopted as follows:

- (5) The dimensions, locations and methods of all outdoor lighting, if applicable, as set forth in Section 103-40 of Chapter 103, Subdivision and Land Development.”