



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: December 17, 2024
NAME OF APPLICANT: Corey Calderwood
OWNERS OF RECORD: Tom and Sarah Clark
AGENDA ITEM: Code Text Amendment of Section 5.02.080:
Outdoor Lighting and Glare

ITEM: 6

Corey Calderwood, agent for Tom and Sarah Clark, is proposing an amendment to Chapter 5.02.080: Outdoor Lighting and Glare. The proposed amendment would allow commercial soffit lighting with regulations.

BACKGROUND:

This item was continued from the November 5th City Council meeting. The motion in that meeting directed staff to tailor proposed language to address decorative exterior illumination, string and soffit lights in the commercial zones, address when lights could be on, address uniformity, and create a code that would be enforceable. Staff has considered these items and has created the following code language (in red) for the City Council to consider:

5.02.080(D): Outdoor Lighting and Glare: Prohibitions

3. Soffit lighting and recessed soffit lighting are not allowed except when directly over a porch or deck area with the following exceptions:

- a. Commercial building soffit lighting is allowed in the C-2, C-3, and RZ zones if the soffit light source is not visible from the boundary of any properties zoned residential (R-1-7, R-1-9, R-1-11, R-1-15, R-1-22, & RA-1-43).
- b. Commercial soffit lights shall not be on except during business hours.

6. ~~Low lumen s~~Seasonal lights (colored lights on a line of lights) and string lights (white lights of all the same lumen for all string lights on a property) that are used to outline buildings or illuminate decks, porches, trees, and patios are exempt from shielding requirements and can be used year-around used on commercial properties in the C-2, C-3, and RZ zones with the following conditions:

- a. String lights shall not be on except during business hours.
- b. Seasonal lights are limited to the dates described in this section.

7. ~~Low lumen s~~String lights (does not include temporary or permanent holiday lighting) that are used to light decks, pergolas, and patios are exempt from shielding requirements and can be used year-round used on residential properties. The lights shall not strobe or flash. The lights shall not be left on for more than five hours at a time.

9. Gas or realistic flame bulbs are allowed in all zones and are exempt from shielding requirements if they comply with the following conditions:

- a. Gas lights shall be 5,000 BTUs per unit or less.
- b. Realistic flame bulbs shall be 100 lumens per bulb or less.

POSSIBLE FINDINGS:

- The proposed amendment would allow commercial buildings to have soffit lighting with specific restrictions.
- Soffit lights would only be allowed to be on during business hours.
- Seasonal lights would be allowed from November 15th to January 20th and are not limited to business hours.
- Commercial soffit light sources would not be visible from any properties zoned residential (R-1-7, R-1-9, R-1-11, R-1-15, R-1-22, & RA-1-43).
- Soffit lights may help commercial properties to be safer and have better security because of the additional lighting possibilities.

- Soffit lights may add more visual vibrancy to the architecture of commercial buildings during the darker hours of the day.
- Gas or realistic flame bulbs would be allowed in all zones under specific conditions.

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City’s Municipal Code.
 - a. Accept staff report
 - b. List accepted findings

2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Denial. This action can be taken if the City Council finds that the proposed amendment is not an acceptable revision to the City’s Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

This proposal is a legislative in nature and the City Council has full discretion in this matter. The City Council may deny the request, approve it as presented, or approve it with any modifications the City Council finds is necessary to promote the health, safety, and welfare of the community.

The following is the original staff report from the November 5, 2024, City Council meeting:

Corey Calderwood, agent for Tom and Sarah Clark, is proposing an amendment to the City's Municipal Code in the Nuisance Abatement chapter, Title 5. Specifically, Section 5.02.080(D) would be amended that prohibits soffit lighting in most circumstances. Currently the code reads as follows:

Soffit lighting and recessed soffit lighting are not allowed except when directly over a porch or deck area.

The applicant is proposing that soffit lighting is allowed for commercial businesses if the light source is not visible, and if the light source directs down to the ground. Also, the proposed amendment would prohibit soffit lights from being turned in except during business hours.

The following language (in red) is proposed to address the desire to allow soffit lighting under specific conditions:

5.02.080(D): Outdoor Lighting and Glare: Prohibitions

3. Soffit lighting and recessed soffit lighting are not allowed except when directly over a porch or deck area **with the following exceptions.**
 - a. **Commercial building soffit lighting is allowed in the C-2, C-3, and RZ zones if the soffit light source is not visible from the boundary of any properties zoned residential (R-1-7, R-1-9, R-1-11, R-1-15, R-1-22, & RA-1-43).**
 - b. **Commercial soffit lights shall not be on except during business hours.**

ANALYSIS:

The Midway City Council adopted a stricter light ordinance on August 2, 2022, because of outdoor lighting concerns. A staff report from the aforementioned date stated the following:

Within Midway City there is an increasing desire to keep our skies dark by minimizing the light pollution generated by the ongoing development in the community. The increasing light pollution generated by unnecessary and excess outdoor lighting reduces the ability of residents and visitors to view the night skies, something that many appreciate about our community.

Because of this, and other reasons discussed in public meetings by the Planning Commission and City Council, an ordinance was adopted that restricted lighting throughout Midway. Soffit lighting, for new construction, was reduced to only areas directly above porches and decks. The reasoning for this provision was to allow soffit lights only where the light is usable and not just to light up the walls of a residential or

commercial structure merely for lighting them up. The argument has been made that the code should be different in commercial areas as compared to residential areas. This is one of the reasons why string lights are allowed in commercial zones without restrictions but in residential zones they are allowed for only five hours at a time.

The applicant states the following reasons to justify the proposed amendment:

Commercial buildings should be looked at differently than residential buildings. Businesses should have the ability to light their property with the use of eve lights for visibility and safety and security reasons. Businesses are already bypassing this ordinance by using large quantities of string lights that are definitely not dark sky compliant.

Lighting creates a beautiful ambiance on the property and increases the safety of the property for patrons and security of the property for the owners by increasing visibility for security cameras.

This proposal is a legislative in nature and the City Council has full discretion in this matter. The City Council may deny the request, approve it as presented, or approve it with any modifications the City Council finds is necessary to promote the health, safety, and welfare of the community.



Midway

**ORDINANCE
2024-15**

**AN ORDINANCE TO AMEND PORTIONS OF SECTION
5.02.080(D) OF THE MIDWAY CITY MUNICIPAL CODE TO
ADDRESS OUTDOOR LIGHTING AND GLARE.**

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, Midway City has previously implemented certain code provisions for the purpose of restricting the use of outdoor artificial illuminating devices that have a detrimental effect on astronomical observations and that create a public nuisance; and

WHEREAS, Midway City has now determined that commercial buildings should be viewed differently than residential buildings and that businesses should be allowed to illuminate their properties in certain specified ways; and

WHEREAS, for these reasons, the Midway City Council desires to amend subsections in Section 5.02.080(D) to address decorative exterior illumination, string and soffit lights in the commercial zones, when lights can be on, and uniformity; and

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

The following Section of Chapter 5 shall be amended as follows:

Section 5.02.080. Outdoor Lighting and Glare

D. Prohibitions.

3. Soffit lighting and recessed soffit lighting are not allowed except when directly over a porch or deck area with the following exceptions:

a. Commercial building soffit lighting is allowed in the C-2, C-3, and RZ zones if

the soffit light source is not visible from the boundary of any properties zoned residential (R-1-7, R-1-9, R-1-11, R-1-15, R-1-22, and RA-1-43).

- b. Commercial soffit lights shall not be on except during business hours.
6. Seasonal lights (colored lights on a line of lights) and string lights (white lights of all the same lumen for all string lights on a property) that are used to outline buildings or illuminate decks, porches, trees, and patios are exempt from shielding requirements and can be used year-round on commercial properties in the C-2, C-3, and RZ zones with the following conditions:
 - a. String lights shall not be on except during business hours.
 - b. Seasonal lights are limited to the dates described in this section.
 7. String lights (does not include temporary or permanent holiday lighting) that are used to light decks, pergolas, and patios are exempt from shielding requirements and can be used year-round on residential properties. The lights shall not strobe or flash. The lights shall not be left on for more than five hours at a time.
 9. Gas or realistic flame bulbs are allowed in all zones and are exempt from shielding requirements if they comply with the following conditions:
 - a. Gas lights shall be 5,000 BTUs per unit or less.
 - b. Realistic flame bulbs shall be 100 lumens per bulb or less.

This ordinance shall take effect upon publication as required by law.

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PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this ____ day of _____, 2024.

	AYE	NAY
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member Craig Simons	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)