

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2024-04

AN AMENDMENT TO ORDINANCE NO. 87-9, AS AMENDED, TO AMEND THE TRPA CODE OF ORDINANCES, CHAPTERS 2, 13, 21, 22, 30, 34, 36, 37, 39, AND 90 REGARDING STANDARDS FOR CLIMATE RESILIENCE, DARK SKY PRESERVATION, AFFORDABLE HOUSING REQUIREMENTS FOR CONDOMINIUMS, AND DESIGN STANDARDS FOR MIXED-USE DEVELOPMENT.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

- 1.10 It is desirable to amend TRPA Ordinance 87-9, as previously amended, by amending the TRPA Code of Ordinances to further implement the Regional Plan pursuant to Article VI (a) and other provisions of the Tahoe Planning Compact.
- 1.20 The TRPA Code of Ordinances amendments were the subject of an Initial Environmental Checklist (IEC), which was processed in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The TRPA Code of Ordinances amendments have been determined not to have a significant effect on the environment and are therefore exempt from the requirement of an Environmental Impact Statement (EIS) pursuant to Article VII of the Compact.
- 1.30 The Advisory Planning Commission (APC), Regional Plan Committee (RPC), and Governing Board have each conducted a noticed public hearing on the proposed TRPA Code of Ordinances amendments. The APC and RPC have recommended Governing Board adoption of the necessary findings and adopting ordinance. At these hearings, oral testimony and documentary evidence were received and considered.
- 1.40 The Governing Board finds that the TRPA Code of Ordinances amendments adopted hereby will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V (c) of the Compact.
- 1.50 Prior to the adoption of this ordinance, the Governing Board made findings required by Section 4.6 of the TRPA Code of Ordinances, and Article V (g) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 TRPA Code of Ordinances Amendments

Ordinance 87-9, as previously amended, is hereby amended by amending Chapters 2, 13, 21, 22, 30, 34, 36, 37,39, and 90 of the TRPA Code of Ordinances, as set forth in Exhibits A, B, and C to this Ordinance.

Section 3.00 Interpretation and Severability

The provisions of this ordinance amending the TRPA Code of Ordinances adopted hereby shall be liberally construed to affect their purposes. If any section, clause, provision, or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Regional Plan Package shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Regional Plan Package are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this ordinance amending the TRPA Code of Ordinances shall become effective sixty (60) days following adoption of this ordinance.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on June 26, 2024, by the following vote:

Ayes: Mr. Bass, Ms. Aldean, Ms. Conrad-Saydah, Mr. Aguilar, Ms. Faustinos, Ms. Hill, Mr. Rice, Mr. Ferry, Mr. Settelmeyer, Ms. Leumer, Ms. Gustafson

Nays: None

Abstentions: None

Absent: Mr. Hoenigman and Ms. Williamson



Cindy Gustafson, Chair
Tahoe Regional Planning Agency,
Governing Board

EXHIBIT A TO ATTACHMENT A
PROPOSED MIXED-USE (MU) CODE LANGUAGE

Code Section	Rationale	Proposed Code Language
36.14	Design standards for MU, including market rate. This amendment separates design standards applying to all M-U from standards specific to 100 percent deed-restricted developments. Standards specific to 100 percent deed-restricted developments were approved in the Phase 2 Housing Amendments.	<p>36.14 Mixed-Use Design Standards</p> <p>Mixed-use developments <u>approved after [effective date]</u> shall meet the definition of mixed-use in Chapter 90 and the following design standards:</p> <p><u>a. The ground floor shall include one or more permissible pedestrian-oriented non-residential uses that include, but are not limited to, retail, restaurant, personal services, office, and entertainment uses.</u></p> <p><u>b. Mixed-use developments shall must accommodate pedestrian-oriented non-residential uses on the ground floor street frontage at a minimum average depth of 40 feet and a minimum depth of 25 feet covering a minimum of 60 percent of the ground floor street frontage area or 60 percent of the ground floor area. Up to 10 percent of the ground floor area dedicated to non-residential uses may be substituted for uses accessory to the residential component if an equivalent area is dedicated for non-residential uses elsewhere in the development.</u></p> <p>a-c. <u>Deed-restricted affordable and moderate housing units may be substituted for non-residential uses on the ground floor if the development has an equivalent mixed-use component pursuant to the proportions defined in 36.14-b.</u></p> <p>b-d. <u>Parking and vehicle access shall be designed to limit conflict with pedestrian circulation along the ground floor frontage and shall be located off of the main frontage whenever possible;</u></p> <p><u>e. The ground floor and street frontage shall be designed to promote pedestrian accessibility, including but not limited to, transparent façade, ground floor ceiling height no less than 10 feet, pedestrian-oriented street-facing entry at exterior grade, sidewalks, and other pedestrian improvements.</u></p>

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		<p>↪ <u>An Area Plan may propose alternative standards for mixed-use developments that promote pedestrian-oriented design.</u></p>
39.2.3.B	Additions to existing 1:1 replacement requirement to include affordable housing.	<p>B. Existing Affordable and Moderate-Income Housing Existing residential units that are <u>affordable- or moderate-income housing</u>, <u>either de-facto or deed-restricted as defined by Chapter 90: Definitions</u>, shall not be subdivided unless mitigation is provided on a unit for unit basis for the loss of <u>affordable- or moderate-income housing</u>. Mitigation shall be in the form of construction of an equal number of <u>affordable- or moderate-income units</u>, conversion of other structures to <u>affordable- or moderate-income housing</u>, <u>deed-restriction of subdivided units to affordable- or moderate-income housing units</u>, or a combination of the above.</p> <ol style="list-style-type: none"> 1. To determine whether a unit is <u>affordable- or moderate-income housing</u>, the applicant shall submit a rental/sale history for each unit for the previous five years. TRPA shall review the history and determine whether the unit has, on the whole, been available as <u>affordable- or moderate income housing</u>. TRPA shall utilize the appropriate state and federal data on median income and rental rates and mortgages for moderate- to very low-income households in making the determination. If a rental or sale history is unavailable or incomplete, an appraisal of the structure prepared by a qualified appraiser shall be submitted by the applicant. 2. Restriction of subdivided units to <u>affordable- or moderate-income housing</u> shall include recordation of deed restrictions running with the land that requires compliance with Section 52.3.4.D.
39.2.3.M	See above	<p>M. Substitution of Local Housing Plans If a local jurisdiction adopts and implements a program that addresses the need for <u>affordable- and moderate-income housing</u> within its jurisdiction, then TRPA may by</p>

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		ordinance exempt projects within that jurisdiction from the provisions of subparagraph 39.2.3.B.
39.2.5.F	Require 10% deed-restricted housing as a condition of subdivision for pre- and post-1987 structures. Jurisdictions with inclusionary zoning requirements are exempt.	<p>F. Affordable and Moderate-Income Housing</p> <p>1. Subdivisions of post 1987 residential projects in plan areas designated preferred affordable housing areas. Approval of subdivisions after December 31, 1995, of post-1987 residential projects <u>in designated preferred affordable housing areas</u> that do not qualify as affordable housing shall be prohibited until TRPA finds the city or county, with zoning jurisdiction, has demonstrated its commitment to assume its "fair share" responsibility to provide lower and very low income housing within existing urban areas pursuant to Policy HS-1.2 of the TRPA Housing Subelement of the Regional Plan Goals and Policies.</p> <p><u>2. Subdivision of eligible structures greater than 4 unit that are not subject to subsection 39.2.3.B shall only be permitted if there is an affordable and moderate-income housing component. No less than 10 percent of residential units in a subdivided structure or at least one unit, whichever is greater, shall be deed-restricted affordable or a mix of affordable and moderate-income housing. Where there is an even number of deed-restricted units, affordable and moderate-income housing may be deed-restricted on a 1:1 basis. Where there is an odd number of deed-restricted units, the majority shall be deed-restricted affordable. Deed-restricted units shall be substantially similar to the project's mix of units, size, and design of units. However, two or more smaller affordable deed-restricted units may be substituted for any required larger deed-restricted unit if the combined square footage is similar. Deed-restricted units may be built on site or elsewhere within a center. Deed-restricted units must be completed before market rate units can be occupied. Jurisdictions with alternative requirements that are based on a financial feasibility study and are approved by the governing body of that jurisdiction shall be exempt from this provision.</u></p>
90.2	Amend the definition of mixed-use to allow a broader mix of uses including tourist accommodation.	<p>Mixed-Use Development</p> <p>Developments fostering the integration of compatible residential and non-residential uses on a single site that are designed to promote pedestrian circulation. Permissible pedestrian-oriented nonresidential uses include, but are not limited to, <u>residential, tourist accommodation</u>, retail, restaurant, personal services,</p>

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		office, and entertainment uses. Lobbies, gymnasiums, and project offices may be included if they are open to the public.
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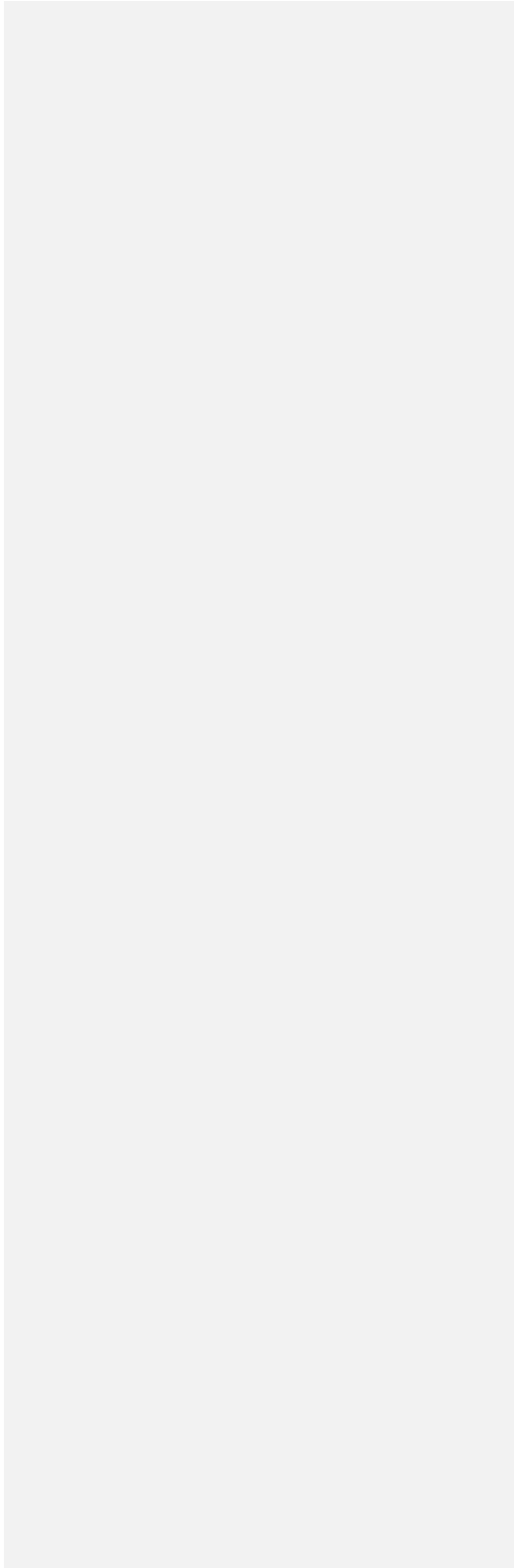


EXHIBIT B TO ATTACHMENT A

PROPOSED CLIMATE CODE LANGUAGE

Traffic reduction associated with temporary events

Code Section	Rationale	Proposed Code Language
22.7.6.	<p>Temporary activity transportation plan as a requirement of temporary use permits to require that large events consider how to reduce automobile traffic and increase the use of alternative modes.</p> <p>See City of South Lake Tahoe additional requirements for temporary events (CSLT Code, 6.55.230.A.c.i).</p> <p>TRPA permitting staff noted that requirements for Ch. 22 temporary permits could benefit from additional requirements supporting traffic reduction.</p>	<p>22.7.6. Traffic Mitigation</p> <p>A. For a temporary activity that includes the closure of a traffic lane or intersection of a state or federal highway for more than one hour, or the closure of U.S. 50 at any point between the South Y and Kingsbury Grade for any period of time, the applicant shall submit a traffic control plan.</p> <p>B. <u>A temporary event transportation plan must be prepared for any event with the potential for more than 500 attendees. A temporary event transportation plan shall include a map of fixed route public transit stops, pedestrian access, and bike access, bike parking (existing and/or temporary) and materials for communicating alternative transportation options to event participants. The plan must include strategies for encouraging the use of alternatives to personal automobiles and should include plans for bike valet, shuttle services, and rideshare drop off locations.</u></p>

Electric vehicle (EV) charging

Code Section	Rationale	Proposed Code Language
90.2	Define electric vehicle charging stations and related terms in code. Additional terms and detail added to definitions from permitting improvement amendments.	<p>Electric vehicle charger</p> <p>Off-board charging equipment used to charge an electric vehicle. <u>An "electric vehicle charger level 2" means a 208–240-volt electric vehicle charger. A "direct current (DC) fast charger" means a 400-volt or greater electric vehicle charger.</u></p> <p>Electric Vehicle (EV) charging space</p> <p><u>A parking space intended for use of EV charging equipment and charging of electric vehicles.</u></p> <p>Electric vehicle charging station (EVCS)</p> <p>One or more electric vehicle charging spaces served by electric vehicle supply equipment (EVSE) receptacles by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles.</p> <p>Electric vehicle supply equipment (EVSE)</p> <p><u>The conductors, including the undergrounded, grounded and equipment grounding conductors and the electric vehicle connectors, attachments, plugs, personnel protection system, and all other fittings, devices, power outlets or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.</u></p> <p>Electric Vehicle (EV) capable spaces</p> <p><u>A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways to support EV charging.</u></p> <p>EV ready spaces</p>

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		<u>A vehicle space which is provided with a branch circuit; any necessary raceways to accommodate EV charging, terminating in a receptacle or a charger.</u>
Table 21.4-A	<p>Include electric vehicle charging station as a primary use under service station and vehicle storage and parking.</p> <p>Tesla, Inc. expressed their intentions to develop EV charging as a primary use. This and other proposed code aims to allow charging as a primary use while encouraging more distributed accessory EV charging.</p>	<p>Service Stations</p> <p>Retail trade establishments primarily engaged in the sale of gasoline <u>and/or electric vehicle charging</u>, which may also provide lubrication, oil change and tune-up services, and the sale of automotive products incidental to gasoline sales. The use may also include as accessory uses towing, mechanical repair services, car washing and waxing, and trailer rental. The use does not include storage of wrecked or abandoned vehicles, paint spraying body and fender work, and retail sale of gasoline as an accessory use to food and beverage retail sales when limited to not more than two pumps.</p> <p>Vehicle storage & parking</p> <p>Service establishments primarily engaged in the business of storing operative cars, buses, or other motor vehicles. The use includes both day use and long-term public and commercial garages, parking lots, and structures. Outside storage or display is included as part of the use. <u>The use includes electric vehicle charging.</u> The use does not include wrecking yards (see "Recycling and Scrap")</p>
34.4.1	<p>EV capable language for commercial, multi-family and hotel/motels with more than 40 spaces.</p> <p>Encourage distributed EV charging in integrated mix of uses.</p>	<p><u>34.4.1. Electric Vehicle Capable Parking Spaces</u></p> <p><u>Twenty (20) percent of the total number of parking spaces on a building site with a minimum of 20 (twenty) spaces provided for all types of parking facilities shall be electric vehicle capable spaces (EV spaces) capable of supporting future electric vehicle supply equipment. EV spaces will count toward the total amount of parking spaces.</u></p>

	<p>Borrowed from Cal Green (5.106.5.3). Cal Green requires 20% in lot's with 10 spaces or more. See Cal Green Table 5.106.5.3.1.</p>	<ol style="list-style-type: none"> 1. <u>The development of electric vehicle capable spaces applies to new development and redevelopment when the project requires a permit for parking lot grading and base replacement.</u> 2. <u>Developments with 100 percent deed restricted housing shall be exempt from the above requirement.</u>
<p>30.4.2.A.6</p>	<p>Allow limited coverage exemption and transfer of coverage.</p> <p>Permitting Improvement amendments include Sec. 30.4.6.A allowing 30 sqft. coverage exemption for EV, solar and other "small utility installations".</p> <p>Aims to encourage installation on existing coverage by allowing limited exemption with the option to transfer coverage is preferable to a large exemption.</p>	<p><u>6. Solar Energy Generation and Electric Vehicle Charging Facilities</u></p> <p><u>Transfers of land coverage may be permitted for electric vehicle chargers, solar energy systems, and related small utility installations.</u></p> <p><u>The maximum land coverage transferred shall be consistent with the following standards:</u></p> <ol style="list-style-type: none"> <u>(1) Transferred coverage shall be the minimum amount necessary to achieve the purpose of the facility;</u> <u>(2) Coverage shall not be transferred to sensitive land;</u> <u>(3) Receiving parcels shall have installed and maintained BMPs meeting TRPA requirements and the transferred coverage shall also have BMPs installed and maintained to meet TRPA requirements;</u> <u>(4) When feasible alternatives exist, TRPA may require the relocation of on-site coverage for some or all of the coverage needed. On-site coverage relocation is appropriate for parcels with non-essential coverage areas that can be reduced in size or replaced with pervious alternatives without significant structural modifications or significant impacts to the usability of the parcel.</u>

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Solar energy generation

Code Section	Rationale	Proposed Code Language
90.2	Define active, passive, and solar mounting devices.	<p>Active solar energy system A solar energy system with a primary purpose to harvest energy by transforming solar energy into another form of energy or transferring heat from a solar collector to another medium using mechanical, electrical, or chemical means.</p> <p>Photovoltaic (PV) System <u>An active solar energy system that converts solar energy directly into electricity.</u></p> <p>Passive Solar Energy System <u>A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger. Examples of passive solar may include skylights, passive solar water heating systems such as flat-plate collectors, or structure design and/or orientation maximizing solar energy capture and retention.</u></p> <p>Solar Mounting Devices <u>Racking, frames, or other devices that allow the mounting of a solar collector onto a roof, the ground, or other surface.</u></p>
2.3.6.A.12.	Qualified exemption for rooftop and parking lot solar energy systems. Require predictable scenic threshold standards when in scenic threshold travel routes and shoreland. QE from scenic review if system meets reflective standard. 3% reflectivity qualifier comes from the highest score given for windows in the shorezone.	<p><u>12. Installation of Roof-mounted Photovoltaic (PV) Systems or PV Systems Mounted Over Parking Lots</u></p> <p><u>The installation of pPhotovoltaic (PV) systems on the rooftops of existing structures or over parking lots that are deemed to be qualified exempt provided:</u></p> <ul style="list-style-type: none"> <u>a) Solar roof-mounting devices do not extend beyond the rooftop perimeter and mounting devices do not intrude into setback standards established in 36.5.4.</u> <u>b) Structure does not create height greater than that allowed by Chapter 37.</u> <u>c) If the structure is located inside of a Scenic Travel Corridor, the</u>

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		<p><u>Shoreland, or visible from Lake Tahoe, then solar panels shall be constructed of non-reflective material not to exceed 3 percent reflectivity.</u></p> <p>d) <u>The panel trim and mounting devices are designed to reduce reflectivity and blend with the panel and/or surrounding materials.</u></p>
Table 21.4-A	Expand primary use "Power Generating" to include solar facilities.	<p>Power generating</p> <p>Establishments engaged in the generation of electrical energy for sale to consumers, including biofuel facilities, hydro facilities, gas facilities, <u>solar facilities</u>, -and diesel facilities. Outside storage or display is included as part of the use. The use does not include biofuel <u>or solar</u> facilities accessory to a primary use. Transmission lines located off the site of the power plant are included under "Pipelines and Power Transmission." Electrical substations are included under "Public Utility Centers."</p>
36.5.4.A.1.		Decks (except decks for off street parking), stairs, canopies, building, <u>solar mounting structures</u> , or roof overhangs shall not intrude into the 20-foot setback established in this subparagraph.
36.6.1.C.	Remove requirement for project-level assessment for roof-mounted solar. This is a barrier that complicates review of solar proposals. Scenic impacts of solar panels addressed through reflectivity standard.	<p>C. Alternative Energy Production</p> <p>Solar <u>panels-energy systems</u> or other alternative energy equipment may be exempted from the requirements of 36.6.1.A and B if <u>they are constructed of non-reflective material not to exceed 3 percent reflectivity, a project-level assessment demonstrates that scenic threshold standards will not be adversely impacted.</u></p>
37.4.3.A.	Expand the height exemptions to include solar energy systems.	Chimneys, flues, vents, antennas, <u>solar energy systems</u> , and similar appurtenances may be erected to a height ten percent greater than the otherwise permissible maximum height of a building, or a height of six feet, whichever is less. <u>Height exemptions for solar energy systems shall not exceed the minimum height necessary for the solar energy system to function.</u>

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Standards to reduce light pollution

Code Section	Rationale	Proposed Code Language
36.8.1.	Update TRPA's lighting standards, include color temperature, shielding, and other standards to comply with international dark sky standards. Reorganize exterior lighting section for improved legibility.	[See Exhibit C]
13.5.3.F.5	Move lighting standards to single location in chapter 36. Reference 36.8.1.	<p>5. Lighting Lighting increases the operational efficiency of a site. In determining the lighting for a project, the <u>standards set forth in Section 36.8.1.E.1 shall following should</u> be required.:</p> <ul style="list-style-type: none"> a. Exterior lighting should be minimized to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design. b. Exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light. c. Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well-placed, low-intensity lights. d. Lights should not blink, flash, or change intensity except for temporary public safety signs.

EXHIBIT C
TO ATTACHMENT A
PROPOSED EXTERIOR LIGHTING STANDARDS

36.8. EXTERIOR LIGHTING STANDARDS

36.8.1. General Standards

A. Exterior lighting shall be minimized to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design.

B. Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display.

C. Outdoor lighting must serve a functional safety purpose including the illumination of entrances and pathways. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited, except as set forth in Subsection 36.8.5 paragraph E.3, below.

A.D. Exterior lights shall not blink, flash, or change intensity except for temporary public safety signs. String lights, building or roofline tube lighting, reflective, or luminescent wall surfaces are prohibited.

B.E. Exterior lighting shall not be attached to trees except for the Christmas season.

C.F. Parking lot, walkway, and building lights shall be directed downward.

G. Fixture mounting height shall be appropriate to the purpose. The height shall not exceed the limitations set forth in Chapter 37.

D.H. The commercial operation of ~~spot~~ searchlights for advertising or any other purpose is prohibited.

I. Seasonal lighting displays and lighting for special events that conflict with other provisions of this section may be permitted on a temporary basis pursuant to Chapter 22: *Temporary Uses, Structures, and Activities*.

~~E.~~

36.8.2. Outdoor Lighting—Lighting Design

The placement, including height, of all outdoor lighting shall be appropriate to serve a functional safety purpose. Exterior lighting shall utilize cutoff shields that extend below the lighting element to minimize stray light. Light shall be directed downward with no

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light emitted above the horizontal plane of the fixture and no splay of light offsite. Outdoor lighting shall be located to minimize impact on adjacent properties.

36.8.3 Lighting Levels

Outdoor lighting levels shall respond to the anticipated use and shall not exceed the amount of light required by users. The maximum color temperature of outdoor lighting is 3,000 degrees Kelvin. TRPA may authorize outdoor lighting with a color temperature up to 5,000 degrees Kelvin when required for public safety.

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36.8.4 Commercial Lighting

Outdoor lighting for commercial uses shall not exceed 2,500 Lumens per light and the total lighting shall not exceed 100,000 Lumens per acre. Commercial uses shall reduce outdoor lighting to 50 percent or less of operational lighting levels after business hours. Motion detection lighting or similar technology, activated on site, may increase lighting levels to 100 percent temporarily. TRPA staff may authorize exceptions for public safety.

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36.8.5 Cemetery Lighting

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~~1. 36.8.3.1.1 Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display.~~

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~~2. 36.8.3.1.1 Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited, except as set forth in Subparagraph F.3, below.~~

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3. Within the veterans' section of an existing cemetery, the United State flag may be illuminated subject to the following limitations:

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a. A. Where it may not be possible to reliably or consistently illuminate with downward lighting, upward lighting may be used only in the form of spotlights which confine the illumination to the flag.

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B. Lighting shall be the minimum necessary to properly illuminate the flag. In no case shall any lighting source exceed 2,500 lumens in output.

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36.8.6 Outdoor Lighting Plan

The applicant for any project in connection with proposed work involving outdoor lighting fixtures shall submit, as part of the application, evidence that the proposed lighting will comply with subsection 36.8. The submission shall contain the following:

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b.

1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, and construction details;
2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to, catalog cuts by manufacturers, and drawings; and
3. A table showing the total number of proposed exterior lights by fixture type, degrees Kelvin, Lumens per fixture, and lamp type.

~~G.26.8.3.1 The commercial operation of searchlights for advertising or any other purpose is prohibited.~~

~~H.26.8.3.1 Seasonal lighting displays and lighting for special events that conflict with other provisions of this section may be permitted on a temporary basis pursuant to Chapter 22: Temporary Uses, Structures, and Activities.~~

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