ORDINANCE 2026-393

AN ORDINANCE AMENDING THE WALDEN ZONING ORDINANCE TO REGULATE OUTDOOR LIGHTING AND PROMOTE DARK-SKY-FRIENDLY RESIDENTIAL LIGHTING

WHEREAS, the Town of Walden recognizes the importance of preserving its view of the natural night sky and rural character for the benefit of residents, visitors, and future generations; and

WHEREAS, excessive or misdirected artificial lighting contributes to light pollution, diminishes the visibility of the night sky, wastes energy, disrupts wildlife, and may adversely affect human health and well-being; and

WHEREAS, appropriate outdoor lighting practices can enhance safety and security while minimizing glare and unnecessary light trespass onto neighboring properties; and

WHEREAS, the Town recognizes that commercial, non-residential, and publicly owned lighting may appropriately be subject to enforceable standards while residential lighting is better addressed through education, encouragement, and voluntary compliance; and

WHEREAS, the Town desires to encourage residential property owners, including owners of newly constructed homes, to incorporate dark-sky-friendly lighting practices without imposing mandatory residential lighting requirements or penalties; and

WHEREAS, the Walden Municipal Planning Commission has reviewed outdoor lighting standards for compatibility with the Town's long-range land-use goals;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF WALDEN, TENNESSEE, THAT:

Section 1. Article 16 — Outdoor Lighting Standards

A. Purpose

The purpose of this Article is to preserve the rural character and natural night sky of the Town of Walden by:

1. Limiting unnecessary outdoor lighting;
2. Directing light toward areas where it is needed;
3. Encouraging lighting levels no brighter than reasonably necessary;
4. Encouraging the use of timers, dimmers, motion sensors, and other lighting controls;
5. Encouraging warmer-color outdoor lighting and limiting unnecessary blue-rich or cool-white lighting;
6. Establishing enforceable standards for commercial, non-residential, and publicly owned outdoor lighting; and

7. Providing voluntary guidance and education concerning dark-sky-friendly lighting for residential properties.

B. Administration and Education

The Town Administrator is authorized to administer this Article and to:

1. Develop and publish homeowner and business guidance materials concerning dark-sky-friendly lighting;
2. Conduct community education and outreach;
3. Provide examples of appropriate fixtures and lighting practices;
4. Offer pre-application consultations to assist applicants with lighting plans; and
5. Encourage property owners voluntarily to replace inefficient, excessively bright, upward-directed, or poorly shielded outdoor lighting with dark-sky-friendly alternatives.

The Town's approach to residential lighting shall emphasize **education, cooperation, and voluntary compliance rather than regulation or enforcement**.

C. Definitions

Correlated Color Temperature (CCT): A measure of the color properties of light emitted by a lamp, expressed in kelvins (K).

Fully Shielded: An outdoor luminaire constructed and installed so that light emitted by the luminaire is projected below the horizontal plane passing through the lowest light-emitting portion of the luminaire.

Initial Lumens: The number of lumens emitted by a luminaire when the lamp or light source is new.

Light Trespass: Artificial light emitted from one property that is unnecessarily directed onto another property.

Lighting Controls: Devices including dimmers, motion sensors, astronomical time switches, timers, and other controls used to reduce or discontinue lighting when it is not needed.

Lumen: A unit used to measure the amount of visible light emitted by a source.

Luminaire: A complete lighting assembly consisting of a lamp or light source, housing, optics, and related structural components.

Outdoor Lighting: Lighting attached to the exterior of a structure or located on a pole, support, or other surface for the purpose of illuminating an exterior structure or outdoor area.

Shielding: Opaque material incorporated into or installed around a luminaire for the purpose of limiting horizontal and upward light and directing light toward the ground.

D. Applicability

1. Mandatory Standards

The mandatory provisions of this Article shall apply to:

a. New development of real property in the General Commercial Zone (C-1), Town Center Mixed-Use District (TC-MU), or Light Manufacturing Zone (LM-1);

b. Non-residential construction in any zoning district when a building or development permit is required;

c. Remodeling of an existing non-residential building or structure for which a development permit is required, provided that compliance shall apply only to the remodeled portion and outdoor lighting affected by the project;

d. Permanent installation or replacement of outdoor luminaires on non-residential property; and

e. Publicly owned outdoor lighting, including street lighting and lighting within public rights-of-way, installed or replaced after the effective date of this Ordinance.

2. Residential Properties — Advisory Only

The outdoor lighting standards contained in this Article shall be **advisory and voluntary for residential properties**, including both existing residences and new residential construction.

Residential property owners are encouraged, but shall not be required, to follow the dark-sky-friendly practices described in this Article.

At the time of application for a building permit for new residential construction or substantial residential renovation, the Town may provide the applicant with educational materials describing recommended dark-sky-friendly lighting practices.

Nothing in this Article shall require an owner of residential property to install, replace, remove, modify, shield, dim, or otherwise alter an outdoor luminaire solely for the purpose of complying with the lighting standards established by this Article.

No residential property owner shall be subject to a notice of violation, cease-and-desist order, fine, penalty, denial of a certificate of occupancy, or other enforcement action under this Article solely because residential outdoor lighting does not conform to the standards or recommendations contained herein.

E. Mandatory Standards for Non-Residential and Public Lighting

Unless otherwise exempted, outdoor lighting subject to the mandatory provisions of this Article shall comply with the following:

1. Shielding

Luminaires emitting more than 1,000 initial lumens shall be fully shielded.

2. Color and Spectrum

Outdoor luminaires shall have a Correlated Color Temperature of 3000K or less.

3. Lighting Controls

Non-residential outdoor lighting shall utilize reasonable lighting controls such as timers, dimmers, motion detectors, or automatic shutoff systems where appropriate.

Except for businesses operating twenty-four hours per day and lighting reasonably necessary for safety or security, outdoor lighting should be reduced, dimmed, or extinguished when the property is not in use.

4. Light Trespass

Outdoor lighting subject to the mandatory provisions of this Article shall be installed and operated so as to minimize unreasonable direct illumination onto neighboring property and public roadways.

F. Residential Lighting Recommendations

The Town encourages owners of residential property to consider the following voluntary practices:

1. Use fully shielded or downward-directed outdoor fixtures where practical;
2. Select warm-color lighting of 3000K or less, with 2700K or lower encouraged where appropriate;
3. Use only the amount of illumination reasonably necessary for safety and ordinary residential use;
4. Avoid unnecessary upward-directed lighting;
5. Use timers, dimmers, and motion sensors where appropriate;
6. Turn off outdoor lighting when it is not needed;
7. Position fixtures to reduce glare and unnecessary illumination of neighboring property;
8. Consider dark-sky-friendly fixtures when replacing existing outdoor lighting; and
9. Consider the effect of outdoor lighting on neighboring residences, wildlife, and Walden's natural nighttime environment.

These residential recommendations are advisory only and are not enforceable through the penalty provisions of the Walden Zoning Ordinance.

G. Lighting Plans

For non-residential construction subject to permitting under this Article, the Town may require a lighting plan identifying:

1. Luminaire manufacturer and model;
2. Manufacturer's product information;
3. Initial lumen output;
4. Correlated Color Temperature; and
5. Location and orientation of outdoor fixtures.

No lighting plan shall be required for residential property solely by reason of this Article.

H. Existing Non-Residential Lighting

Outdoor lighting lawfully installed on non-residential property before the effective date of this Article may continue as legal non-conforming lighting.

The Town may require such lighting to be brought into compliance when:

1. The luminaire is replaced, excluding replacement of bulbs or similar consumable components;
2. A substantial redevelopment or renovation requiring Town approval occurs;
3. More than fifty percent (50%) of the appraised value of a structure is destroyed and subsequently reconstructed; or
4. The lighting otherwise becomes subject to compliance under applicable provisions of the Zoning Ordinance.

There shall be no mandatory phase-out period for existing residential lighting under this Article.

I. Prohibited Lighting — Non-Residential and Public Property

Except as otherwise exempted, the following shall be prohibited on property subject to the mandatory provisions of this Article:

1. Outdoor floodlighting projecting substantial light above the horizontal plane;
2. Searchlights, skybeams, and similar lighting, except for emergency purposes;
3. Lasers directed into the outdoor environment;
4. Strobe, flashing, blinking, or rotating outdoor lighting, except where otherwise permitted by law; and
5. Mercury vapor outdoor lamps.

For residential property, avoidance of these lighting practices is strongly encouraged but remains advisory under this Article, except to the extent another generally applicable Town ordinance or state law independently prohibits the activity.

J. Exemptions

The following shall be exempt from the mandatory provisions of this Article:

1. Holiday lighting between November 15 and January 15;
2. Underwater lighting for swimming pools and water features;
3. Lighting required by law on motor vehicles;
4. Emergency lighting during an emergency;
5. Temporary lighting necessary for repair of roads, utilities, or infrastructure;
6. Lighting required by federal or state law;
7. Lighting reasonably necessary to protect life or property from imminent danger; and
8. Temporary lighting approved by the Town Administrator.

K. Temporary Non-Residential Lighting

The Town Administrator may approve temporary non-residential lighting that does not otherwise comply with this Article for a period not exceeding thirty (30) days and may approve one additional thirty-day extension.

Lighting remaining in place beyond the approved temporary period shall be considered permanent and subject to the applicable provisions of this Article.

L. Residential Concerns and Community Cooperation

A resident may contact Town Hall regarding outdoor lighting believed to be substantially affecting the resident's property or the surrounding community.

For residential properties, the Town Administrator or other designated Town official may:

1. Contact the property owner;
2. Explain the concern;
3. Provide educational materials concerning dark-sky-friendly practices; and
4. Respectfully request voluntary adjustment of the lighting.

Such contact shall be advisory and educational. Failure of a residential property owner to make a requested change shall not, by itself, constitute a violation of this Article or subject the owner to penalties under this Article.

Nothing herein prevents the Town from enforcing another otherwise applicable ordinance or provision of law addressing a condition constituting a public nuisance, public safety hazard, or other independently unlawful condition.

M. Enforcement and Penalties

The enforcement provisions of this Section apply **only to lighting subject to the mandatory provisions of this Article and shall not apply to residential lighting recommendations contained herein.**

For a violation subject to enforcement, the Town shall first provide written notice identifying the violation and allowing a reasonable period, not less than sixty (60) days, for corrective action.

If the violation remains uncorrected, the Town may pursue remedies available under Section 7.05 of the Walden Zoning Ordinance or other applicable law.

No fine, penalty, cease-and-desist order, or other enforcement remedy authorized by this Article shall be imposed upon residential property solely for failure to follow the voluntary residential lighting recommendations contained in this Article.

N. Town Leadership

When the Town installs or replaces outdoor lighting on Town-owned property or within public rights-of-way, the Town shall, to the extent reasonably practical and consistent with public safety, use dark-sky-friendly fixtures and practices meeting the standards established by this Article.

O. Periodic Review

The Planning Commission should periodically review the effectiveness of this Article and may recommend amendments to the Board of Mayor and Aldermen based upon changes in lighting technology, community experience, and recognized dark-sky practices.

Section 2. Severability

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remaining provisions shall remain in effect to the fullest extent possible.

Section 3. Effective Date

This Ordinance shall become effective upon final reading and passage by the Board of Mayor and Aldermen of the Town of Walden and publication as required by law, the public welfare requiring it.

First Reading: _____

Yea: _____
Nay: _____

Final Reading: _____

Yea: _____
Nay: _____

Lee Davis, Mayor

Attest:

Town Recorder