

**CITY OF MERCER ISLAND
ORDINANCE NO. 22C-02**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
AMENDING MERCER ISLAND CITY CODE 19.02020 TO ESTABLISH
EXTERIOR LIGHTING STANDARDS IN RESIDENTIAL ZONES; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the residential development standards in MICC 19.02.020 Development standards were most recently amended by Ordinance No. 19C-21, Section 1; and

WHEREAS, the public can propose changes to the City Comprehensive Plan and Development Code through a process called the annual docket; and

WHEREAS, the annual docket process is established in MICC 19.15.230 Comprehensive plan amendments and docketing procedures; and

WHEREAS, the City accepts annual docket applications every year; and

WHEREAS, the City received an annual docket application in 2020 requesting development code amendments to regulate lighting from exterior lighting fixtures shining beyond property boundaries; and

WHEREAS, Resolution No. 1594 added this request to the 2021 CPD work program; and

WHEREAS, on November 17, 2021, the Planning Commission provided initial direction on the preferred approach to address the issues raised in the docket request; and

WHEREAS, on December 21, 2021, CPD issued a State Environmental Policy Act (SEPA) threshold determination of non-significance (DNS) consistent with the procedures established in Chapter 19.21 MICC and notified the Washington State Department of Commerce of the City's intent to adopt development code amendments; and

WHEREAS, on January 26, 2022, the Planning Commission held a duly advertised public hearing and made a recommendation to the City Council; and

WHEREAS, on March 1, 2022, the City Council was briefed on the Planning Commission recommendation and had their first reading of this ordinance; and

WHEREAS, on March 15, 2022, the City Council had their second reading of this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. MICC 19.02.020 Amended. MICC 19.02.020 is amended to include a new section K establishing exterior lighting standards in residential zones as provided in Exhibit A to this Ordinance. Exhibit A is incorporated herein by this reference as though set forth in full.

Section 2. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this Ordinance or its application to any other person, property, or circumstance.

Section 3. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force five days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS REGULAR MEETING ON APRIL 5, 2022.

CITY OF MERCER ISLAND

Salim Nice, Mayor

ATTEST:

Andrea Larson, City Clerk

APPROVED AS TO FORM:

Bio Park, City Attorney

Date of publication: _____

1 **MICC 19.02.020 Development standards.**

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4
5 K. Exterior Lighting.

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7 1. Applicability. This section applies to all exterior lighting serving residential uses installed after
8 the effective date of Ordinance 22C-02 in the R-8.4, R-9.6, R-12, and R-15 zones. The following
9 lighting types are exempt:

- 10
11 a. Permitted lighting within a public right-of-way or easement for the purpose of
12 illuminating roads, trails, and pedestrian ways;
13
14 b. Repair of lighting fixtures existing prior to the effective date of Ordinance 22C-02;
15
16 c. Emergency lighting;
17
18 d. Pathway and landscaping lighting fixtures producing less than 200 lumens;
19
20 e. Temporary seasonal lighting; and
21
22 f. Lighting required by state or federal law.

23
24 2. Standards.

- 25
26 a. All exterior lighting shall be designed to minimize light trespass onto neighboring
27 properties.
28
29 b. All exterior lighting must be either fully or partially shielded except that four unshielded
30 lighting fixtures not exceeding 450 lumens each are allowed.
31 i. Fully shielded means the lighting fixture has a solid opaque barrier at the top of
32 the fixture in which the bulb is located and the fixture is angled so the bulb is not
33 visible below the barrier.
34
35 ii. Partially shielded means a fixture is shielded by a solid opaque barrier or angled
36 no more than 45 degrees above straight down, which is half-way between
37 perpendicular and parallel to the adjacent grade.
38
39 c. Each exterior lighting fixture shall not exceed 1,600 lumens.
40
41 d. Exterior lighting fixtures shall be designed so that they do not project their output:
42
43 i. Onto neighboring properties;
44
45 ii. Past the object being illuminated;
46
47 iii. Skyward;

1
2 iii. Onto a public roadway;

3
4 iv. Onto a trail or pedestrian way; or

5
6 v. Onto biodiversity areas, fish and wildlife habitat conservation areas, or
7 wetlands.

8
9 e. Exterior lighting fixtures with a motion sensor must not be activated by off-site
10 movement.
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