

**Planning & Development Services**

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**TO:** Community Development Committee

**FROM:** Planning and Development Services Staff 

**DATE:** August 12, 2013

**SUBJECT:** Pending Referral - Lighting Issues (**Legistar Item # 121109**)

Recently, the City Commission adopted a revision to the City of Gainesville Lighting Ordinance.

The ordinance updates, clarifies, and reorganizes the outdoor lighting provisions of the Land Development Code. The intent of the revised ordinance is to promote safety and security with outdoor lighting that is energy and resource efficient and that protects neighbors, the environment, and the night sky from light pollution.

The ordinance regulates illumination levels and luminaire design and operation (including pole heights) in accordance with lighting standards and practices published by the Illuminating Engineering Society of North America (IESNA). In addition, this ordinance provides protections against light trespass to adjacent property and provides regulations for parking lots, parking structures, and canopy lighting. Finally, this ordinance adds a provision that allows the appropriate reviewing board, city manager or designee to permit a waiver to one or more of the outdoor lighting requirements.

This latter provision was the genesis of the revised ordinance as it provides a manner in which applicants can now apply for a waiver to a board or city manager/designee in those instances where strict adherence to provisions of the lighting ordinance will not allow for a project to be accomplished.

The City Commission approved the petition on June 7, 2012 and passed the revised Ordinance in December, 2012.

Subsequent to adoption by the City Commission the revised Ordinance has been applied in several instances resulting in project approval. The project reviews raised the following concerns:

1. Lighting provided shall be as energy and resource efficient as high performance LED lighting.
2. A requirement to provide control devices that shall automatically extinguished outdoor lighting when sufficient daylight is available
3. The implementation of the ordinance as it relates to repairs, upgrades and maintenance of existing lighting is another area of concern.

4. An apparent conflict in meeting the requirements for building and vehicular use area lighting when they are adjacent to each other
5. The ability of GRU to provide rental lighting to customers due the requirement for comparable high performance LED lighting.

The requirement for comparable high performance LED lighting is consistent with the intent of the code and is consistent with current technological changes in the lighting industry.

The need to provide control devices is again an approach to address conservation and energy efficiency. The occurrence of outdoor lighting operating continuously during daylight hours is not uncommon; the requirement for a device control is an attempt to address this waste.

Implementation of the ordinance as it relates to repairs, upgrades and maintenance of existing lighting has been an issue related to contractors and property owners not being aware of the ordinance requirements. Since most of those electrical jobs require an electrical permit, staff is working with the Building Division in an attempt to provide upfront knowledge at the time of application for a building permit and through our First Step information distribution center.

The issue of "apparent conflict" between building and vehicular use area lighting is one that can be addressed during the review process and requires balancing the need to meet the intent of the ordinance for both areas. In most cases the building lighting will be much higher, average 5.0 fc, than the vehicular use area lighting, average 2.5fc. Staff therefore accepts a design of the edge areas to facilitate the most important condition. The intent of the code is to promote safety and security in both areas; therefore the reviewing planner will review the code with this intent in mind and not focus so much on the difference in areas but rather on the eventual outcome of the photometric plan.

Finally, the ability of GRU to provide rental lighting to customers due the requirement for comparable high performance LED lighting. The availability and ability of GRU to provide rental lighting to customers is very important in maintaining the delivery of that service to developments within the city. We are therefore committed to reviewing the ordinance with a view to facilitating the ability for customers to continue relying on the provision of rental lighting that is consistent with the intent of the ordinance. We are also working with GRU to incrementally move to a position of being able to provide lighting that may not necessarily be LED but at least satisfies the intent of the ordinance to "Promote energy and resource efficient lighting".

Amidst all those concerns, the most significant and customer friendly aspect of the ordinance is its ability to consider appropriate modifications that would meet the intent of the ordinance. As mentioned, staff has successfully considered three such waivers, one at a staff level and two at the Development Review Board level.

**Staff Recommendation to CDC** – Hear a brief presentation on the revised Ordinance and then direct as appropriate.

Encl.

**this charter amendment shall become effective if approved by the voters; providing directions to the codifier; providing directions to the clerk of the commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Robert Pearce, Rob Brinkman, Jo Beaty and Donald Sheppard spoke to the matter.*

**RECOMMENDATION**      *The City Commission adopt the proposed ordinance.*

**A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher, that this Matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:**

**Aye:** 6 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Chase, and Commissioner Hinson-Rawls

**Nay:** 1 - Commissioner Hawkins

**ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

**120304.      REZONING - TAX PARCEL 06724-000-000 (B)**

**Ordinance No. 120304; Petition No. PB-12-86 ZON**  
**An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 44 acres of property generally located north of SW 18th Place, west of SW 38th Terrace, east of SW 40th Terrace, and south of SW 9th Place, as more specifically described in this ordinance, from the Alachua County zoning categories of Agriculture (A) and Multiple family, high density (R-3) to the City of Gainesville zoning categories of Conservation (CON) and Urban mixed-use district 2 (UMU-2); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION**      *The City Commission adopt the proposed ordinance.*

**A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Hawkins, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Aye:** 6 - Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

**Absent:** 1 - Mayor Lowe

**120023.      OUTDOOR LIGHTING - TEXT CHANGE (B)**

**Ordinance No. 120023; Petition No. PB-12-40 TCH**

An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to outdoor lighting; by adding new definitions to Section 30-23 Definitions; by deleting a subsection of Section 30-93 Gasoline and alternative fuel service stations (GN-554), and food stores (MG-54) with accessory gasoline and alternative fuel pumps; by amending Section 30-114 Off-site parking facilities for uses in MU-1 or MU-2 districts; by deleting a subsection of Section 30-160 Submittal requirements; by amending a subsection of Section 30-307 Nature park district; by deleting a subsection of Section 30-330 Design requirements for vehicle parking; by adding a new Section 30-344 Outdoor lighting; by deleting subsections of Section 30-345 General performance standards; by deleting Section 30-345.1 Nonconforming luminaires; by deleting a subsection of Appendix A. - Special Area Plans, Section 4. - Special Area Plan For Traditional City; by amending a subsection of Appendix A. - Special Area Plans, Section 8. - Special Area Plan Southeast Gainesville Renaissance Initiative Area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Planning Manager Ralph Hilliard made a presentation.*

*Citizens Pat Fitzpatrick and Rob Brinkman spoke to the matter.*

*Note: Pine Ridge lighting referred to City Manager*

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

**A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Hawkins, that this Matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Aye:** 6 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, and Commissioner Chase

**Nay:** 1 - Commissioner Hinson-Rawls

**120730.**

**Lighting at Ironwood Golf Course(NB)**

**A motion was made by Commissioner Wells, seconded by Commissioner Hawkins, that this Matter be Assigned. The motion carried by the following vote:**

**Aye:** 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Wells, Commissioner Bottcher, Commissioner Hawkins, Commissioner Chase, and Commissioner Hinson-Rawls

**120326.**

**PLANNED DEVELOPMENT AMENDMENT - ONE COLLEGE PARK (B)**

**Ordinance No. 120326; Petition No. PB-12-83 PDA**