



TO: City Plan Board Item Number: 5
FROM: Planning and Development Services Staff DATE: October 23, 2014
SUBJECT: Petition PB-14-122 TCH. City of Gainesville. Amend the Land Development Code, Section 30-344 Outdoor Lighting to modify the standards and process for review and permitting of photometric plans for new and existing developments.

Recommendation

Staff recommends approval of Petition PB-14-122 TCH.

Description

This petition addresses a referral from the City Commission to amend the Land Development Code, Section 30-344 Outdoor Lighting, to address concerns presented by local developers and other stakeholders.

After receiving comments from stakeholders about the lighting ordinance, the City Commission referred the matter to the CDC for evaluation and review. The CDC met on October 8, 2013 and January 29, 2014 and submitted a recommendation to the City Commission for modifications to the lighting ordinance. The City Commission reviewed the recommendations on July 17, 2014 and authorized initiation of this petition.

Key Issues of Concern:

The City Commission requests that the board consider modifications to the lighting ordinance, Sec.30-344, to address the following concerns expressed by stakeholders.

1. Performance based review of the lighting regulations.
2. Energy efficiency and conservation related to outdoor lighting.
3. Providing options for submitting an application for development plan review and the level of lighting details required during the early phase of the development review process.
4. Clarifying the waiver provision and improving the process to allow greater flexibility during the review process.
5. Illumination standards for developments during the hours of dusk to dawn.
6. Lighting for special situations and unique designs.
7. Security lighting and the relationship to CPTEC principles.

8. *Conflicts with outdoor lighting, required landscaping and existing vegetation.*

Proposed Modifications to the LDC, Section 30-344: Outdoor Lighting Ordinance.

To address the concerns listed above, a number of modifications are proposed to the lighting ordinance. Some items are removed, some modified and in some cases new language and concepts are introduced. The proposed changes are reflected in the attached document, Exhibit A Outdoor Lighting, and are summarized below by section.

Sec. 30-23 Definitions

Some new definitions have been included to correspond with the propose changes and to provide clarity of the ordinance.

Sec. 30-344. - Outdoor lighting.

(a) Purpose and Intent

This section is modified to address security lighting and Crime Prevention Through Environmental Design (CPTED).

(b) Applicability.

The section of the ordinance dealing with applicability is re-written to remove vagueness and to address areas of uncertainty which staff has experienced during the review process. The ordinance attempts to provide clearer direction about types of projects which are subject to this ordinance. The current ordinance is silent on minor lighting projects, repairs and maintenance of existing sites. The modifications outline the types of projects which are affected and provide a corresponding process for addressing review and permitting. To some extent this ties into the issue of non-conforming situations. *Those changes address some of the concerns listed in Item 6 of the above list.*

(c) Exemptions.

The exemption section is trimmed down by removing some obvious components of lighting and focuses more on the kind of projects and concerns which applicants have submitted in the review process. It eliminates some of the inconsequential listings and sets performance standard for determining exemptions. It also addresses efficiencies in lighting and encourages energy conservation. *It addresses some of the concerns listed in Item 1, and 2 of the above list.*

(d) General requirements.**(d) (1) Luminaire design and operation.**

This section has been reorganized to emphasize some key issues related to light pollution, glare and the concept of qualitative and quantitative review. The modifications reflect the general direction of the code towards a performance type of review. It addresses one of the major issues of concern to stakeholders, the use of LED. It provides opportunities to utilize other light sources on a site. It addresses the main concerns of GRU and maintains their ability to provide site lighting to customers. Modifications in this section recognize landscape islands as the home for trees but provide options to address potential conflicts between landscaping and site lighting. *It addresses some of the concerns listed in Items 1, 2 and 8 of the above list.*

A significant change to the ordinance is establishment of a vertical illuminance level of 0.5fc at a certain elevation above the site. This change sets performance criteria for limiting light pollution and protecting the night sky. *It addresses some of the concerns listed in Item 1 of the above list.*

d) (2) Pole height

The regulation of pole heights as a separate section is removed. The regulations related to pole/mounting heights are moved to the General Requirements section. Regulations are based on performance criteria, requiring the applicant to demonstrate compliance with the intent and purpose of the ordinance and meeting the desired objective of the community related to lighting. It softens the exception process by removing the requirement for a Special Exception and allowing variations through the waiver process. *It addresses some of the concerns listed in Items 1 and 4 of the above list.*

(d) (2) Light Pollution Requirements

A new section Lighting Pollution is added. It outlines a Qualitative/Quantitative review process to address light pollution. This section is a major shift towards the concept of performance review. *It addresses some of the concerns listed in Items 1, 3 and 6 of the above list.*

(d) (3) Illumination standards.

The modifications offer an alternate method of demonstrating compliance with the ordinance by using IESNA standards; this is another opportunity for performance review.

It also addresses the issues of lighting spillover into adjacent streets and alleys. The ordinance sets a maximum of 5.0fc at the property line along all roadways. Along an alley, where the receiving property has a single-family residential zoning or where the receiving property has a residential zoning and the subject site has a non-residential zoning category, the maximum intensity at the property line is set to 2.0fc. *It addresses some of the concerns listed in Items 1 and 7 of the above list.*

(e) Specific requirements.

This section addresses building lighting and security lighting in a more direct approach. A major part of this section is that all developments must have a lighting plan at a minimum to address security lighting and energy conservation. *It addresses some of the concerns listed in Items 1, 5, 6 & 7 of the above list.*

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(e) (4) Vehicular Use Areas/Parking *lots*.

This section introduces the concept of vehicular use area and applies one set of standards to all vehicular use areas as opposed to only patron parking areas. The proposed modification removes the potential conflict between building lighting and parking lot lighting. It allows an applicant to extend the building lighting standard to about 30 feet into an adjacent vehicular use area.

Another modification addresses one of the major issues related to the required 15 foot maximum “pole height/mounting height” adjacent to residential development. The 15 foot limitation is removed and replaced with the performance criteria of minimizing spill over lighting, glare and light pollution onto adjacent property. A maximum height of 30 feet is allowed within residential developments. Although a maximum height is established, this regulation allows varying height based on satisfying the performance criteria.

It addresses some of the concerns listed in Items 1, 4 and 6 of the above list.

(e) (5) Parking Structures.

Minor changes are included to address the use of LED

(e) (6) Vehicular Use Area *Canopy lighting*.

The section has been changed to refer to the specific canopies that would be regulated. The modifications provide an added option for an applicant to use performance criteria to demonstrate compliance with the code. It also addresses security concerns and the need to consider energy conservation in the use of outdoor lighting.

It addresses some of the concerns listed in Items 1 and 5 of the above list.

(f) *Lighting plan review and submission.*

(f) (1). Review Process for Approval of Lighting Plans:

This section clarifies the review process and provides an optional review path for projects to be reviewed at the Minor Review level. It addresses the concerns of having to provide too much detail early in the review process by providing options to stagger the review process. A rapid review process is offered for projects involving repairs and maintenance. ***It addresses some of the concerns listed in Items 3, 4 and 6 of the above list.***

(f) (2). Submittal Requirements for General and Detailed Photometric Plans.

This section modifies the submittal requirements by removing some items and clarifying others. ***It addresses some of the concerns listed in Items 3 and 6 of the above list.***

(g) *Waivers.*

One additional option is provided for applicants to demonstrate compliance with the intent and purpose of the lighting ordinance. An applicant may utilize an alternate methodology, technique or approach consistent with IESNA standards. ***It addresses some of the concerns listed in Items 4 of the above list.***

(h) *Nonconforming luminaires and lighting.*

This section attempts to clarify and make more practical the review process for non-conforming sites and conditions.

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(i) Fees:

Amend Appendix "A" Schedule of Fees, Rates and Charges, Land Development Code to add a fee for Rapid Lighting Plan review: proposed fee \$500.00.

Respectfully submitted,



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Planning Manager



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Lead Planner

List of Attachments:

- Exhibit A Existing Lighting Ordinance Sec. 30-344
- Exhibit B Proposed Modifications to the Lighting Ordinance.
- Exhibit C CDC Recommendation to the City Commission