

Appendix A

Proposed Modifications to the Lighting Ordinance from the Community Development Committee



PLANNING DEPARTMENT
PO Box 490, STATION 11
GAINESVILLE, FL 32602-0490

306 N.E. 6TH AVENUE
P: (352) 334-5022
P: (352) 334-5023
F: (352) 334-2648

TO: Community Development Committee

FROM: Planning & Development Services Staff DATE: Tuesday January 29, 2014

SUBJECT: Community Development Committee Item: Evaluation of the Lighting Ordinance.

This memo addresses the referral from the Community Development Committee concerning evaluation of the current lighting ordinance. The CDC met on October 8, 2013 and asked staff to address the following:

1. Consider stake-holder input per Mr. Fleming's and Mr. McGuire's suggestions, including GRU.
2. Consider ordinance amendments to increase flexibility in lighting installation
3. Report back to the committee in January about suggested amendments to the ordinance.

1. Stake-holder Input

On November 13, 2013 staff received an email from the local stakeholders group with information concerning a meeting held to evaluate the current lighting ordinance. The group's recommendation is to adopt the Illuminating Engineering Society Model Lighting Ordinance (IES MLO) in its original form with minimal modifications; the recommendation also included comments on specific sections of the lighting ordinance.

Staff met with the local group on November 25, 2013 and again on December 9, 2013 and discussed their comments and concerns about the ordinance. We agreed that the purpose and intent of the ordinance is the main factor of concern and examined issues that would enable applicants and reviewers to use the ordinance in a manner that would benefit neighborhoods where developments are located. The following is a list of specific issues. (See Attachment "A" Comments from Stakeholders).

- a. *The need to facilitate a performance based review for some of the lighting regulations is a key priority for stakeholders. They believe that instead of placing restrictions on the fixtures such as full cut-off and mounting heights, the regulations should establish measurable performance values related to light trespass, light pollution, glare, up-light, etc. The recommendation is to remove restrictions on criteria such as pole heights and full cut-off fixtures, replacing those requirements with specific indices consistent with the intent of the ordinance.*
- b. *Concerns were expressed about the level of lighting details required during development plan review. The claim is that the level of detail is burdensome and requires significant financial investments too early in the process. The request is to provide detailed specifications during the building permit phase.*
- c. *The requirement to provide average lighting intensities without specifying the area over which the average should be calculated is another issue of concern.*
- d. *Concerns were raised about the use of LED fixtures to address energy efficiency. Stakeholders recommend that a more definitive approach such as a specific numeric standard should be required to determine energy efficiency. The recommendation is to replace the current language with a numeric standard such as 80 lumens per watt.*
- e. *It is recommended that the waiver provision be maintained but with some clarifying modifications.*

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- f. The 15-foot limit on pole heights adjacent to residential areas is of concern to stakeholders. The preferred option is to address the concerns of light trespass, glare incident onto adjacent property and night sky pollutions through performance indices.*
- g. Stakeholders also expressed concerns about the need to clarify some of the existing definitions and to add others.*
- h. Lighting levels at entrance and exterior of buildings are other areas of concern to stakeholders. The concern is to ensure that the 5fc requirement of the local ordinance is consistent with levels required by State and Federal agencies.*
- i. The group is also concerned about canopy lighting relative to CPTED principles and whether the ordinance would allow fixtures such as porch and ceiling fan lighting.*
- j. Stakeholders wanted to make sure that the ordinance facilitates lighting needs for special districts and unique designs which would be consistent with areas such as University Heights and the Historic Districts.*
- k. Stakeholders noted that the submittal requirements demand additional coordination with electrical and design teams. This effort leads to additional fees, delays and additional review time.*

2. Concerns from GRU

On January 2, 2014 staff met with GRU to discuss the current lighting ordinance. GRU is concerned that the current ordinance limits its ability to continue providing rental site lighting to developments located within the City. GRU expressed concerns about the following: (See Attachment "B" Comments from GRU).

- a. Sec. 344 (d) (1) (d) pertaining to the use of luminaires which are energy and resource efficient as high performance LED lighting.

GRU requests that the language be changed to include High Intensity Discharge (HID) luminaires in addition to LED as acceptable light sources.

- b. Sec. 344 (d) (1) (e) pertaining to automatically extinguish all outdoor lighting when sufficient daylight is available.

GRU requests that the language be modified because photoelectric controls are used widely to extinguish outdoor lighting.

- c. Sec. 344 (e) (4) (f) pertaining to automatically extinguished luminaires no later than one hour after the close of business or facility operation.

GRU suggests that the language be modified because photoelectric controls by their nature are made to turn on at dusk and off at dawn. The requirement to turn lights on and off or be dimmed at specific times will require some form of energy management system.

- d. Sec. 344 (d) (2) which limits the height of poles to 30 feet; its current practice is to install poles at heights greater than 30 feet in some situations.
- e. Sec. 344 (d) (2) (b) (3) which limits the height of poles to 15 feet when located within 75 feet of property zoned residential

GRU requests that the language for both “d.” and “e.” above be modified to focus on adherence to specified glare and light trespass limits and not to artificial restrictions in lighting system design/options.

3. Staff’s Response

The information gained from the outreach as outlined above indicates that the bulk of the issues can be accommodated through some simple amendments to the existing code as opposed to an adoption of an entirely new methodology of the Model Lighting Ordinance (MLO). The MLO is a performance based approach with a strong basis in the concept of “Lighting Zones” and the “Backlight, Up-light, Glare (BUG) ratings. It is relatively new, used in a limited number of cities, has not been thoroughly tested and questions have been raised about the effectiveness of implementing lighting zones. Establishing those zones will require a tremendous amount of work, resources, time and budget allocation if it is to be realistic and reflective of the values of the Gainesville community. As such, staff supports amendments a, b, c, d, e, g, h, i and j listed above as proposed by stakeholders. Item “f”, pertaining to the limitation on pole heights within 75 feet of residential development is important in preserving the landscape and integrity of those areas and as such is not supported by staff. That regulation should be maintained but opportunities to clarify and refine the language will be explored with any code revision. Item “k” addresses the submittal requirements which are essential in facilitating the review process and should be maintained. As the ordinance undergoes revisions, the submittal requirements will be examined in terms of the value and relevance of the each requirement.

Staff also supports the changes proposed by GRU listed as Items a, b, c and d. Item “e” proposed by GRU is similar to Item “f” proposed by stakeholders and is not supported by staff due to the reasons stated above.

4. Recommendation

Staff recommends amendments to the current ordinance to address the following areas:

1. Amend the ordinance to address Items a, b, c, d, e, g, h, i, and j as proposed by stakeholders.
2. Amend the ordinance to address Items a, b, c, and d as proposed by GRU.
3. Create a section that addresses energy efficiency and security lighting consistent with CPTED principles.
4. Revise the waiver provision to create greater flexibility and to clarify the intent and use of the provision.
5. Modify the current development review process to include staff from GRU’s Electrical Department (lighting professionals) who would participate in the review of all developments that include a lighting plan.