

25 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the text of the Land
26 Development Code as described herein; and

27 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
28 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
29 to Section 163.3174, Florida Statutes, held a public hearing on May 25, 2023, and voted to make
30 a recommendation to the City Commission regarding the subject of this ordinance; and

31 **WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of general
32 circulation notifying the public of this proposed ordinance and of public hearings in the City Hall
33 Auditorium located on the first floor of City Hall in the City of Gainesville; and

34 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings
35 the parties in interest and all others had an opportunity to be and were, in fact, heard; and

36 **WHEREAS**, the City Commission finds that the Land Development Code text amendment
37 described herein is consistent with the City of Gainesville Comprehensive Plan.

38 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
39 **FLORIDA:**

40 **SECTION 1.** Section 30-6.12 of the Land Development Code is amended as follows. Except as
41 amended herein, the remainder of Section 30-6.12 remains in full force and effect.

42 **Section 30-6.12. Outdoor lighting.**

- 43 A. *Purpose.* To provide regulations for outdoor lighting that will:
- 44 1. Protect and promote the public health, safety, and welfare;
 - 45 2. Promote safety and security in vehicular use and pedestrian use areas;
 - 46 3. Protect adjacent properties, the environment and wildlife, and the night sky from adverse
47 lighting impacts such as light pollution, light trespass, glare, excessive lighting, and
48 offensive light sources;

- 49 4. Promote energy and resource efficient lighting;
- 50 5. Encourage the use of crime prevention through environmental design (CPTED)
- 51 fundamentals in the design of lighting installations; and
- 52 6. Promote the safety and security of pedestrians and motorists, especially at intersections,
- 53 street crossings, and mid-block crossings.
- 54 B. *Applicability.* All outdoor lighting uses within the city, including but not limited to multi-family
- 55 residential, nonresidential, public and private recreational and institutional uses,
- 56 architectural, and landscape lighting.
- 57 C. *Exemptions.*
- 58 1. Properties with a single-family or two-family dwelling.
- 59 2. Lighting for public rights-of-way, public streets, and approved private streets that are
- 60 specifically regulated by separate ordinances or other state or federal regulations.
- 61 3. Lighting necessary for emergency equipment and work conducted in the interests of law
- 62 enforcement, fire rescue, storm debris clean-up or other similar public safety efforts.
- 63 4. Lighting for construction, renovation, or repair of roads and utilities.
- 64 5. Temporary general construction lighting, which shall be regulated in accordance with
- 65 building construction standards and shall be valid during the active period of a building
- 66 permit.
- 67 6. Sign lighting as regulated in this Land Development Code.
- 68 7. Lighting required by federal or state laws or regulations.
- 69 8. Luminaires with fully shielded light sources, provided the total output of the fixture does
- 70 not exceed 1800 lumens.
- 71 9. Luminaires with diffuse lensing, provided the total output of the fixture does not exceed
- 72 900 lumens.
- 73 10. Point source, or other types of unshielded fixtures, provided the total output of the fixture
- 74 does not exceed 600 lumens.
- 75 11. Low-voltage landscape lighting, provided the lighting is shielded in such a way as to
- 76 eliminate glare and light trespass.
- 77 D. *General requirements.*
- 78 1. *Luminaire design and operation.*
- 79 a. Fixture placement, distribution, wattage, orientation, and mounting height shall
- 80 maximize the efficient and effective use of light output, and minimize light trespass,
- 81 light pollution and glare, including the projection of light skyward or beyond the
- 82 primary object being illuminated. Fixtures using directional optics and located

- 83 adjacent to property boundaries shall be oriented in such a way as to minimize glare
84 onto adjacent properties.
- 85 b. Lighting of horizontal surfaces shall be fully shielded full-cutoff fixtures and shall be
86 aimed downwards.
- 87 c. Lighting of non-horizontal surfaces shall be designed, installed and aimed so as not to
88 project light output beyond the object being illuminated, skyward, onto a public
89 roadway, or onto adjacent uses.
- 90 d. Luminaires shall consist of the most energy efficient light sources.
- 91 e. The maximum mounting height of area lighting shall not exceed 30 feet when located
92 within 75 feet of a single-family use or single-family zoning district.
- 93 f. Sites shall not exceed an average vertical illuminance of 0.5 footcandles at a height of
94 five feet above the mounting height of the highest luminaire. This requirement shall
95 be provided at a parallel horizontal over the area where surface level data are
96 provided.
- 97 g. Controls shall be provided that automatically extinguish all outdoor lighting when
98 sufficient daylight is available. Automatic lighting controls are not required for the
99 interior of parking structures.
- 100 h. A property owner/representative may and is encouraged to reduce any required level
101 of lighting output by up to 50 percent of the otherwise required value after the site
102 closes or is no longer in use for the night. Uniformity ratios shall meet the otherwise
103 required values.
- 104 i. The placement of light poles in landscape islands is discouraged. Separate islands
105 should be created for the placement of light poles. Poles may be placed within the
106 perimeter and interior landscape strips in locations that avoid conflicts with existing
107 and required trees. Notwithstanding the above, where special designs, tree
108 separation, pole arm extensions and reduced pole heights are feasible, a pole may be
109 placed within a landscape island after review and approval by the appropriate
110 reviewing body.
- 111 j. Except in emergencies by police, fire, utilities, medical personnel, aircraft warning
112 lights or for meteorological data gathering purposes, the use of exposed light sources,
113 search lights, flood lights, lasers, lighting or lights that pulse, flash, rotate or simulate
114 motion is prohibited. No exceptions or variances shall be permitted.
- 115 2. *Light trespass standards.*
- 116 a. Unless otherwise provided in this section, lighting shall have illuminances,
117 uniformities and glare control in accordance with the published standards of the
118 Illuminating Engineering Society of North America (IESNA).
- 119 b. Light trespass measured line-of-site at the property line of the receiving property shall
120 not exceed the following levels:

- 121 i. 1.0 footcandles for non-residential and multi-family sites.
- 122 ii. 0.5 footcandles for residential sites.
- 123 iii. 0.4 footcandles for nature parks.
- 124 iv. 5.0 footcandles for public and private streets.
- 125 1) *Alleys*. This standard shall be decreased to 2.0 footcandles where an alley of
- 126 20 feet or less separates a receiving property that has a single-family use or
- 127 zoning.
- 128 2) *Automobile dealers*. This standard shall be increased to 10 footcandles for
- 129 public streets abutting automobile dealers along Main Street north of NW 16th
- 130 Avenue and along NW 39th Avenue between NE 2nd Street and NE 10th Street,
- 131 provided that portion of the receiving public street is at least 500 feet from
- 132 any property with single-family use or zoning. Light trespass at private streets
- 133 shall meet the above requirements.
- 134 E. *Specific illumination requirements*. In addition to the general requirements applicable to all
- 135 outdoor lighting uses, the following requirements for specific outdoor lighting uses or areas
- 136 shall apply. If provisions in this subsection conflict with any of the general requirements, the
- 137 provisions in this subsection shall prevail.
- 138 1. *Recreational lighting*. Lighting for outdoor recreational uses (including mounting heights
- 139 above 30 feet, where appropriate) may be designed in accordance with the published
- 140 standards of the Illuminating Engineering Society of North America (IESNA).
- 141 2. *Nature parks*. Buildings shall not be externally illuminated on any vertical faces fronting a
- 142 nature park.
- 143 3. *Building entrances, exteriors and site security*. Lighting shall be provided for the general
- 144 security of areas, including building entrances, stairways, ramps, main walkways,
- 145 dumpsters, other site accessory structures, pedestrian entrance/exit points, and vehicular
- 146 use areas.
- 147 a. Lighting levels at building entrances/exits and around buildings shall not exceed an
- 148 average horizontal illuminance of 5.0 footcandles at ground level, a uniformity ratio
- 149 of 6:1 and a maximum uniformity ratio of 10:1.
- 150 b. Lighting levels on pedestrian walkways and at pedestrian entrances/exits of vehicular
- 151 use areas of multi-family developments shall maintain a minimum horizontal
- 152 illuminance of 1.0 footcandles at ground level.
- 153 c. Pedestrian walkways greater than 30 feet from the edge of a building or vehicular use
- 154 area shall maintain a minimum horizontal illuminance of 0.2 footcandles at ground
- 155 level.

156 d. There shall be a minimum horizontal illuminance of 1.0 footcandles at ground level
157 within five feet of dumpsters, site accessory structures and areas that are of the type
158 known to be prone to illicit behavior or victimization.

159 e. Unimproved areas of a site may be so defined and excluded from the lighting plan.

160 4. *Pedestrian areas.*

161 ~~a. Lighting levels in transect zones U1 to U3 and any residential development must~~
162 ~~maintain an average horizontal illuminance of 1.8 footcandles at ground level, a~~
163 ~~uniformity ratio of 6:1, and a maximum uniformity ratio of 10:1.~~

164 ~~b. Lighting levels in transect zones U4 to U7 and any mixed-use development must~~
165 ~~maintain an average horizontal illuminance of 2.4 footcandles at ground level, a~~
166 ~~uniformity ratio of 4:1, and a maximum uniformity ratio of 10:1.~~

167 ~~c. Lighting levels in transect zones U8 to DT and any commercial development must~~
168 ~~maintain an average horizontal illuminance of 2.5 footcandles at ground level, a~~
169 ~~uniformity ratio of 4:1, and a maximum uniformity ratio of 10:1.~~

170 a. Lighting levels for pedestrian areas in transect zones U1 to U3 and any residential
171 development must maintain an average horizontal illuminance of 1.0 footcandles at
172 ground level, an average uniformity ratio of 6:1 or less.

173 b. Lighting levels for pedestrian areas in transect zones U4 to DT and any mixed-use or
174 non-residential development must maintain an average horizontal illuminance of 2.0
175 footcandles at ground level, an average uniformity ratio of 4:1 or less, and a maximum
176 uniformity ratio of 10:1 or less.

177 5. *Alley lighting.*

178 a. Alley lighting in residential developments must maintain an average horizontal
179 illuminance of ~~1.2~~ 1.0 footcandles at ground level, and ~~a~~ an average uniformity ratio
180 of 6:1 or less.

181 b. Alley lighting in mixed-use and non-residential developments must maintain an
182 average horizontal illuminance of ~~1.8~~ 2.0 footcandles at ground level, and ~~a~~ an
183 average uniformity ratio of 6:1 or less and a maximum uniformity ratio of 10:1 or less.

184 ~~c. Alley lighting in commercial developments must maintain an average horizontal~~
185 ~~illuminance of 2.4 footcandles at ground level, and a uniformity ratio of 6:1.~~

186 6. Roadways.

187 a. Lighting levels for roadways in transect zones U1 to U3 and any residential
188 development must maintain an average horizontal illuminance of 0.4 footcandles at
189 ground level, and an average uniformity ratio of 6:1 or less.

190 b. Lighting levels for roadways in transect zones U4 to DT and any mixed-use or non-
191 residential development must maintain an average horizontal illuminance of 1.2
192 footcandles at ground level, and an average uniformity ratio of 3:1 or less.

193 6.7. Vehicular use areas.

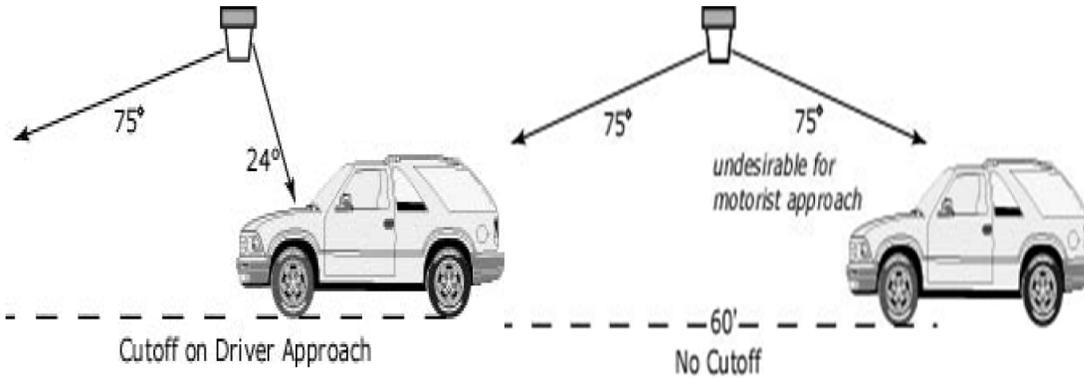
- 194 a. Lighting shall be uniform throughout the parking lot, with no dark patches or pockets,
195 for safety and identification of features.
- 196 b. Lighting shall maintain a minimum horizontal illuminance of 0.5 footcandles at ground
197 level and shall not exceed an average horizontal illuminance of 2.5 footcandles, a
198 uniformity ratio of 5:1, and a maximum uniformity ratio of 15:1. An applicant may
199 elect to use the building entrance and outdoor lighting standards on portions of
200 vehicular use areas within 30 feet of a building.

201 7.8. Parking structures.

- 202 a. *Applicability.* These standards for parking structures shall apply to any multilevel
203 parking structure and any floor of a building, including but not limited to the first floor
204 and/or basement level, used for parking or storage of vehicles. However, when either
205 the top floor of a building used for parking or storage of vehicles or the top floor of a
206 multilevel parking structure is uncovered and open to the sky, said floor shall be
207 regulated in accordance with the standards for parking lots but shall have luminaires
208 that do not exceed a height of 15 feet. Where covered parking areas are restricted in
209 depth to one vehicle length, lighting shall be provided in accordance with the building
210 entrances, exteriors and site security provisions above.
- 211 b. Luminaires shall be full-cutoff, semi-cutoff and/or refractor high intensity discharge
212 (HID) or LED fixtures. The exact type, configuration and placement of luminaires shall
213 be designed to prevent glare, cavern effect and to facilitate vertical illumination of the
214 floor so that drivers are able to discern objects within the facility. Luminaires used in
215 driving lanes shall not emit greater than 50 percent of the light output above an angle
216 of 38 degrees on driver approach and 75 degrees on driver retreat.
- 217 c. Lighting intensities for all floors, ramps, entrance/exit areas, and stairways shall be as
218 listed in Table 1.

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220 **Figure 1—Transverse Lighting Coverage.**
 221 **Transverse Coverage and Cutoff based on 8-foot Mounting Height**
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223
 224 **Table 1:**

	Min. Horizontal Illuminance (footcandles)	Max. Uniformity Ratio	Min. Vertical Illuminance* (footcandles)
Basic per floor	1	10:1	0.5
Ramps Day	2	10:1	1
Ramps Night	1	10:1	0.5
Entrance Areas Day	50	-	25
Entrance Areas Night	1	10:1	0.5
Stairways	10	-	1

* Measured facing the drive aisle at five feet above the parking surface at the point of the lowest horizontal illuminance.

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 226 **8.9. Vehicular use areas canopy lighting.**

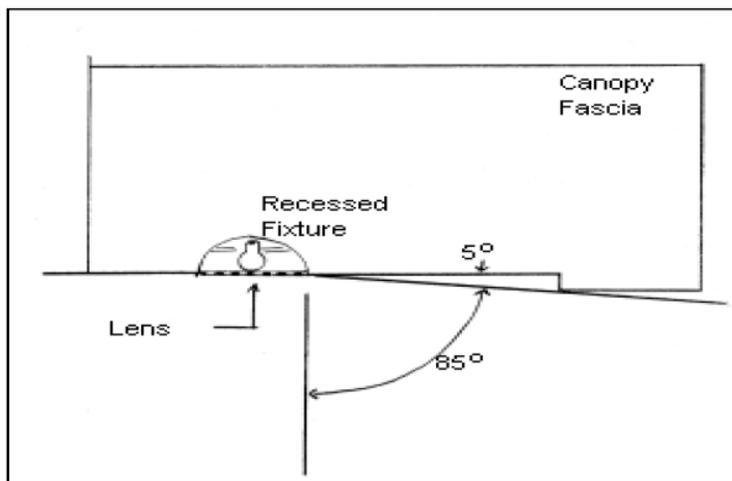
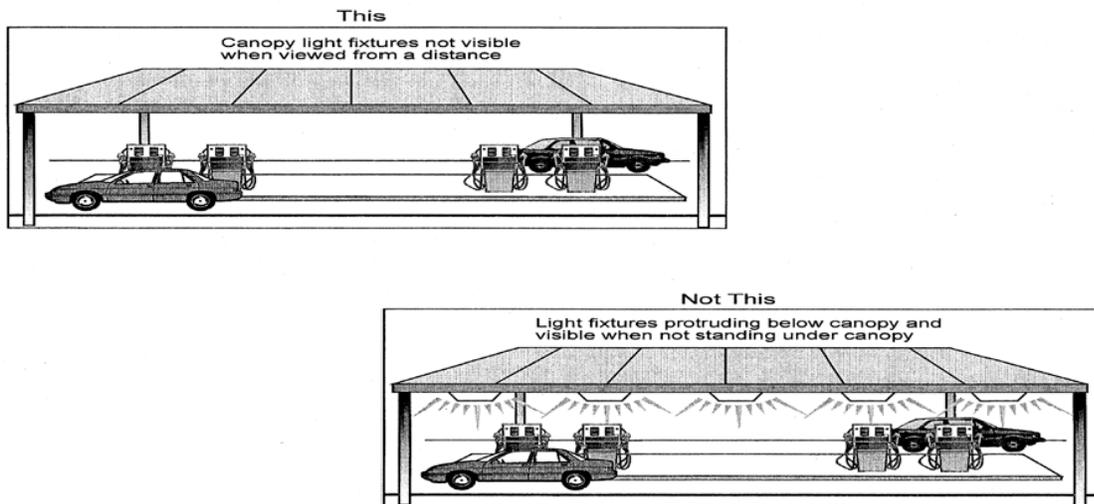
- 227 a. Luminaires mounted on or under canopies shall be full-cutoff fixtures or recessed so
 228 that the lens cover is flush with the bottom surface (ceiling) of the canopy, as
 229 demonstrated in Figure 2. Lighting may also be shielded by fixtures or the edge of the
 230 canopy so that light is restrained to 85° or less from vertical as shown in Figure 2.
 231 Luminaires shall not result in glare and shall meet light trespass standards applicable
 232 to adjacent properties.
- 233 b. Lighting within six feet of the canopy shall maintain a minimum horizontal illuminance
 234 of 2.0 footcandles at ground level and shall not exceed an average horizontal
 235 illuminance of 10 footcandles, a uniformity ratio of 5:1, and a maximum uniformity
 236 ratio of 10:1.

- 237 c. Indirect lighting where light is aimed upward at the underside of the canopy and
 238 reflected back down from the underside of the canopy may be used when luminaires
 239 are shielded so that all direct illumination is focused exclusively on the underside of
 240 the canopy and when the average vertical illuminance does not exceed 0.5
 241 footcandles at five feet above the canopy level.
- 242 d. Luminaires shall not be mounted on the top or sides (fascias) of the canopy when not
 243 part of a permitted sign. The sides (fascias) of the canopy shall not be illuminated in a
 244 manner other than that prescribed under the sign code.

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246 **Figure 2—Canopy Lighting**

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- 249 9.10. Gasoline and other fuel dispensing uses.
- 250 a. In addition to the requirements listed above for vehicular use area canopy lighting,
251 lighting shall not exceed an average horizontal illuminance of 20 footcandles at
252 ground level under the canopy and within an area of six feet from the edge of the
253 canopy. Lighting shall not exceed a uniformity ratio of 5:1 and a maximum uniformity
254 ratio of 10:1.
- 255 ~~10.11.~~ Vehicle and automobile dealerships along Main Street north of NW 16th Avenue and
256 along NW 39th Avenue between NE 2nd Street and NE 10th Street; when more than 500 feet
257 from residential.
- 258 a. Lighting shall not exceed an average horizontal illuminance of 50 footcandles at
259 ground level.
- 260 F. *Lighting plan submission and review.* Lighting plans demonstrating compliance with the
261 requirements of this section must be submitted to the applicable reviewing authority for
262 review and approval for development plan review, a building permit, or special use permit
263 applications. Lighting plans must be certified by signature and seal of a registered architect,
264 engineer, or lighting professional holding a current lighting certification (LC) from the
265 National Council on Qualifications for the Lighting Profession (NCQLP) as providing
266 illumination in accordance with the applicable standards of this section and must include the
267 following information:
- 268 1. A layout of all existing and proposed luminaires with location, designation, mounting
269 height and orientation.
- 270 2. A schedule of all fixtures that includes the following information:
- 271 a. Fixture designation.
- 272 b. Fixture distribution information for area lighting fixtures, such as IESNA Type III, Type
273 IV, or Type V.
- 274 c. Mounting height.
- 275 d. Light source type and wattage.
- 276 3. An illustration showing lighting levels (illuminance in footcandles) for each source of light.
277 Separate calculations shall be performed for each area of the site, such as parking lots,
278 building entry areas, and light trespass on receiving property boundaries. The boundary
279 of each area shall be clearly indicated and the area shall be labeled. The calculations shall
280 be performed on a grid at a maximum of every ten feet.
- 281 4. A table of photometric calculations indicating, at a minimum, the following values for
282 each area:
- 283 a. Average, maximum and minimum illuminance.
- 284 b. Average and maximum uniformity ratios.

- 285 c. The ordinance section applicable to the area.
- 286 5. Landscaping information demonstrating that the site lighting and existing and proposed
 287 landscaping have been coordinated to minimize conflict between vegetation and
 288 intended light distribution, both initially and at vegetation maturity.
- 289 6. Topographic variations on site and any significant change in grade or elevation of the
 290 surrounding sites.
- 291 7. A brief written narrative describing the proposed luminaires, mounting heights, control
 292 devices and schemes, applicable calculation zones, and a summary of the adjacent
 293 properties. This may be provided as notations on the lighting plan or in a separate
 294 attachment on the preparer's letterhead.
- 295 8. Manufacturer specification sheets, cut-sheets, or other manufacturer-provided
 296 information for all existing and proposed luminaires. Photometric reports generated from
 297 manufacturer-provided IES data, where available. All components of lighting systems,
 298 including fixtures, brackets, poles, conduits, wiring, and connectors, installed within
 299 public rights-of-way must conform to the materials and installation standards of the City's
 300 utilities department (Gainesville Regional Utilities).
- 301 9. For parking structures, the lighting plan shall include the following additional information:
- 302 a. Minimum horizontal and vertical lighting intensities for each floor, floor ramps,
 303 entrance areas and stairways. Data may be requested for certain daylight periods.
- 304 b. Uniformity ratios and maximum uniformity ratios for each floor, floor ramps, entrance
 305 areas and stairways. Data may be requested for certain daylight periods.
- 306 c. The cutoff angles on driver approach and retreat.
- 307 G. *Variances.* During approval of a development plan or building permit, the appropriate
 308 reviewing authority may approve a variance for one or more of the requirements of this
 309 section. The appropriate reviewing authority may approve a variance only when the applicant
 310 demonstrates, in addition to meeting all of the review criteria for a variance in article III, that
 311 the applicant is using an alternate methodology, technique, or approach that is consistent
 312 with IESNA standards and that meets the intent and purpose of the lighting ordinance. At the
 313 expense of the applicant, the appropriate reviewing authority may request an independent
 314 review by a registered architect, engineer, or lighting professional holding a current lighting
 315 certification (LC) from the National Council on Qualifications for the Lighting Profession
 316 (NCQLP).
- 317 H. *Nonconforming luminaires and lighting.*
- 318 1. A legally nonconforming luminaire or lighting installation shall be made to conform with
 319 the requirements of this section when any of the following situations applies:
- 320 a. Minor corrective action, such as re-aiming or shielding, can achieve conformity with
 321 the applicable requirements of this section;

- 322 b. Fifty percent or more of the existing luminaires on a property are replaced;
 - 323 c. The number of existing luminaires on a property is increased by 50 percent or more;
 - 324 d. The city manager or designee deems the nonconforming luminaire or lighting
325 installation a safety hazard; or
 - 326 e. A development is expanded or remodeled at a cost that exceeds 50 percent of the
327 assessed value of the site or structures as determined by the Alachua County Property
328 Appraiser. Assessed valuation shall be determined by reference to the official
329 property tax assessment rolls of the year of the expansion and/or remodel.
- 330 2. A development that becomes nonconforming with this section due to a change in
331 operational hours from daytime only to include nighttime operation shall be required to
332 comply with these regulations within 90 calendar days of the effective date of the change.
 - 333 3. To prevent safety hazards, nonconforming luminaires and temporary luminaires that
334 direct light towards streets or parking lots and that cause disability glare shall be either
335 shielded or re-directed within 90 calendar days of notification by the city.

336

337 **SECTION 2.** It is the intent of the City Commission that the provisions of Sections 1 of this
338 ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,
339 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or
340 relettered in order to accomplish such intent.

341 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
342 the application hereof to any person or circumstance is held invalid or unconstitutional, such
343 finding will not affect the other provisions or applications of this ordinance that can be given
344 effect without the invalid or unconstitutional provision or application, and to this end the
345 provisions of this ordinance are declared severable.

346 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
347 conflict hereby repealed.

348 **SECTION 5.** This ordinance will become effective immediately upon adoption.

349 **PASSED AND ADOPTED** this ____ day of _____, 2023.

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Attest:

HARVEY L. WARD, JR.
MAYOR

Approved as to form and legality:

KRISTEN J. BRYANT
INTERIM CITY CLERK

DANIEL M. NEE
CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2023.

This ordinance passed on second reading this ____ day of _____, 2023.