

City Council Agenda Items
and
Contracts, Leases or Agreements

2/7/2012

City Council Meeting Date
Agenda Items Only

Leif Olson
Submitted By

Planning
Division

Development Services
Department

Action Required:

ADM 12-4031: (CHAPTER 176: OUTDOOR LIGHTING AMENDMENT): Submitted by Staff to exempt the use of decorative strands of individual lights (Christmas lights) from the requirements of the Outdoor Lighting Chapter of the Unified Development Code.

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

W. C. Pate
Department Director 01.18.2012
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

K. J. ...
City Attorney Jan 24, 2012
Date

Original Contract Number: _____

Paul A. Becker
Finance and Internal Services Director 1-24-2012
Date

Received in City Clerk's Office 01-19-12 P03:24 RCVD
Kim G.

Alan Man
Chief of Staff 1-24-12
Date

Received in Mayor's Office
ENTERED 1/24/12

Leif Olson
Mayor 1/23/12
Date

Comments:



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CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Jeremy Pate, Development Services Director
Don Marr, Chief of Staff

From: Leif Olson, Associate Planner *LO*

Date: January 18, 2012

Subject: ADM 12-4031UDC Chapter 176, Outdoor Lighting

RECOMMENDATION

Staff recommends approval of an ordinance to amend Unified Development Code Chapter 176, Outdoor Lighting (ADM 12-4031).

BACKGROUND

The City first adopted the Outdoor Lighting ordinance in 2005 with the purpose of protecting the privacy of property owners from the potential for glare and light trespass from adjacent properties, and to reduce atmospheric light pollution while allowing for flexibility in the style and array of light fixtures through efficient and cost effective lighting. Subsequently, this ordinance was amended in 2007 to allow for the up-lighting of architectural and landscape features. The ordinance exempts a number of uses for outdoor lighting such as; single and two-family residential dwellings, navigation lights, emergency lighting, the lighting of flags and accent lighting of landscape and architectural elements. However, the use of seasonal decorative lighting, or Christmas lights, was limited to a 60 day period.

Since the adoption of this ordinance, the City has required a number of businesses to remove or discontinue the use of Christmas lights after the holiday season. These businesses were typically using this lighting to accent landscaping or structural elements of their building or grounds such as patio spaces. Additionally, the City has received a lot of positive feedback requesting that the red Christmas lights on the tree in the Square Gardens remain year round which would not be permitted under the current ordinance.

PROPOSAL

It is Staffs opinion that certain uses of this type of lighting is not detrimental or at cross purposes with the intent of the Outdoor Lighting Ordinance. Therefore, staff proposes amending the Outdoor Lighting ordinance to exempt the use of strands of decorative lights for patio spaces associated with restaurants and bars and for the lighting of one tree within the Square Gardens.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §176.03 EXEMPTIONS OF THE OUTDOOR LIGHTING CHAPTER OF THE U.D.C. TO ALLOW THE LIGHTS TO REMAIN ON A TREE ON THE SQUARE AND TO ALLOW ACCENT LIGHTING ON RESTAURANT AND BAR PATIOS

WHEREAS, City Staff desires to leave the decorative light strands on one of the trees on the Square year-round to accent this tree throughout the year; and

WHEREAS, restaurant and bar owners have requested to be allowed to use strands of individual, low-intensity, decorative white lights on their patios during normal business hours.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §176.03 **Exemptions** of the Unified Development Code by enacting a new subsections §176.03 (J) (7) and (8) as shown below:

“§176.03(J)(7). The Fayetteville Parks and Recreation Department may place decorative light strands upon one tree within the Square Garden area for year-round accent lighting.

(8) Strands of individual, low-intensity, white decorative lights used to illuminate the outdoor patio space of bars and restaurants during their normal business hours.”

PASSED and APPROVED this 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

