

City of Fayetteville Staff Review Form

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: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Kim  
City Attorney      Jan 24, 2012  
Date

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  
PH

David Jordan  
Mayor      1/25/12  
Date

Comments:

Empty box for comments.

Left on the Second Reading at the 2/7/12 Cmty.

## CITY COUNCIL AGENDA MEMO

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**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

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### 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 7<sup>th</sup> day of February, 2012.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

**City Clerk - Fwd: Red lights on tree at OPO**

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**From:** Sarah Lewis <sarahelainelewis@gmail.com>  
**To:** Sondra Smith <city\_clerk@ci.fayetteville.ar.us>  
**Date:** 2/6/2012 11:07 PM  
**Subject:** Fwd: Red lights on tree at OPO

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Hello Sondra,  
Please pass along to the Council.  
Thanks!  
Sarah

Sarah E. Lewis, Ph.D.  
FB&A Working Group Manager  
The Sustainability Consortium  
Adjunct Professor, UALR  
Fayetteville, Arkansas  
Ward 4 City Council Member

(479)575-4296 office  
(479)263-2087 mobile

Begin forwarded message:

**From:** "David W. Hart" <greycap@uark.edu>  
**Date:** February 6, 2012 4:41:40 PM CST  
**To:** <sarahelainelewis@gmail.com>  
**Subject:** Red lights on tree at OPO

Ms. Lewis,

I strongly object to the idea coming from the promotional commission to keep the Christmas lights on a tree in front of the Old Post Office all year long. The newspaper quotes Marilyn Heifner as saying that to do so will serve as a link to Crystal Bridges because there is an architectural tree placed in front of the museum. This is ridiculous, and if anyone did make the connection, what would it mean?

I see no difficulty with the other part of the proposal, about modest framing lights around restaurant patios etc., because they are functional and self-explanatory. The lights on the tree, except as part of the annual Festival, are neither.

David W. Hart

1549 Markham

442-7752

**Sondra Smith - Fwd: Christmas lights on the square**

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**From:** Matthew Petty - Fayetteville Ward 2 <citycouncil@matthewpetty.org>  
**To:** Sondra Smith <ssmith@ci.fayetteville.ar.us>  
**Date:** 2/7/2012 1:04 PM  
**Subject:** Fwd: Christmas lights on the square

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Sondra - Could you please forward to the Mayor and the rest of the Council?

Thanks,  
-M

On Tue, Feb 7, 2012 at 9:07 AM, Patty and Bob Besom <bbesom@sbcglobal.net> wrote:

Dear Mr. Kinion and Mr. Petty,

Please do not grant an exception and allow the lights on the tree on the square to stay lit beyond the Christmas season. If lit all year, those lights would lose their specialness; in fact, to me, they would become irritating. Imagine strolling around the square on a summer evening, turning the corner, and encountering the brightly lit tree. That would be a sensation to try to block out rather than to enjoy.

Sincerely,

Patty and Bob Besom  
15 N. West Avenue  
Fayetteville, AR 72701

