

VII. EXISTING LIGHTING - User's Guide

Adoption of this section on existing lighting is strongly encouraged.

If the adopting jurisdiction has criteria in place that require a property to come into compliance with the current zoning ordinance, it is recommended that the criteria also be applied to bringing existing lighting into compliance. If there are no established criteria, this section of the MLO is recommended.

Amortization allows existing lighting to gradually and gracefully come into compliance. Substantial changes or additions to existing properties are considered the same as new construction, and must comply.

Most outdoor lighting can be fully depreciated once it is fully amortized, usually no longer than 10 years, if not sooner, from the date of initial installation. Some jurisdictions may prefer to require phase-out in a substantially shorter period. The Authority may also wish to require compliance much sooner for “easy fixes” such as re-aiming or lowering lumen output of lamps. Where lighting is judged to be a safety hazard, immediate compliance can be required.

#25 - We believe it would be helpful to offer suggestions on possible amortization period for benefit of municipalities that may not have confronted this issue before. Therefore, add the following at the end of 2nd paragraph:

Most outdoor lighting will be fully depreciated at the end of 10 years if not sooner. Some jurisdictions may prefer to require phase-out in a substantially shorter period. The Authority may also wish to require compliance much sooner for “easy fixes” such as re-aiming or lowering lumen output of lamps. Requiring immediate compliance where lighting is judged to be a safety hazard is recommended.

ACCEPTED

VII. EXISTING LIGHTING - Ordinance Text

Lighting installed prior to the effective date of this ordinance shall comply with the following.

A. Amortization

On or before [amortization date], all outdoor lighting shall comply with this Code.

B. New Uses or Structures, or Change of Use

Whenever there is a new use of a property (zoning or variance change) or the use on the property is changed, all outdoor lighting on the property shall be brought into compliance with this Ordinance before the new or changed use commences.

C. Additions or Alterations

1. Major Additions.

If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:

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Most outdoor lighting will be fully depreciated at the end of 10 years if not sooner. Some jurisdictions may prefer to require phase-out in a substantially shorter period. The Authority may also wish to require compliance much sooner for "easy fixes" such as re-aiming or lowering lumen output of lamps. Requiring immediate compliance where lighting is judged to be a safety hazard is recommended.

REJECTED FOR ORDINANCE TEXT SIDE - Comment was ACCEPTED for addition to User Guide Section - which is where explanatory language is best suited.

VII. EXISTING LIGHTING (cont.) - Ordinance Text

Additions of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.

Single or cumulative additions, modification or replacement of 25 percent or more of installed outdoor lighting luminaires existing as of the effective date of this Ordinance.

2. Minor Modifications, Additions, or New Lighting Fixtures for Non-residential and Multiple Dwellings

For non-residential and multiple dwellings, all additions, modifications, or replacement of more than 25 percent of outdoor lighting fixtures existing as of the effective date of this Ordinance shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting.

Any new lighting shall meet the requirements of this Ordinance.

3. Resumption of Use after Abandonment

If a property with non-conforming lighting is abandoned for a period of six months or more, then all outdoor lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.

#16 - Additions of ~~25~~ **40** percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces....

REASON: A 25% metric represents a small addition and is too aggressive to require compliance for the entire installed system, given the state of the economy and business in general. On the other hand, 50% is too liberal and lenient. A 40% metric would be a reasonable compromise.

REJECTED - 25% is used in other codes to mark the trigger to require compliance. 25% is a very sizeable section and is reasonable.