

Parks & Public Landscaping Advisory Board Bee City USA Subcommittee

Agenda

June 7, 2023

Library Small Conference Room

951 Spruce Street

5:30 PM

Members of the public are welcome to attend in person. Remote attendance is not available at this time.

The Subcommittee will accommodate public comments during the meeting. Anyone may also email comments to the Subcommittee prior to the meeting at AMcneal@LouisvilleCO.gov.

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes
- V. Public Comments on Items Not on the Agenda
- VI. Agenda Posting Location – action

Persons planning to attend the meeting who need sign language interpretation, translation services, assisted listening systems, Braille, taped material, or special transportation, should contact the City Clerk's Office at 303.335-4536 or MeredythM@LouisvilleCO.gov. A forty-eight-hour notice is requested.

Si requiere una copia en español de esta publicación o necesita un intérprete durante la reunión, por favor llame a la Ciudad al 303.335.4536 o 303.335.4574.

City of Louisville

*Parks Division 749 Main Street Louisville, CO 80027
303.335.4774 (phone) www.LouisvilleCO.gov*

- VII.** Staff Report
- VIII.** 2023 Work Plan Discussion and Review
- IX.** Budget and Funding Options
- X.** Louisville Dark Sky Ordinance
- XI.** Discussion Items for Next Meeting
- XII.** Adjourn

Parks & Public Landscaping Advisory Board Bee City USA Subcommittee

Agenda

May 3, 2023

Library Small Meeting Room

951 Spruce Street

5:30 to 6:25 PM

Members of the public are welcome to attend in person. Remote attendance is not available at this time.

The Subcommittee will accommodate public comments during the meeting. Anyone may also email comments to the Subcommittee prior to the meeting at AMcneal@LouisvilleCO.gov.

- I. Call to Order
Meeting was called to order at 5:44 pm

- II. Roll Call

Roll call was taken and the following members were present:

John Webb, Chair

Josh Cooperman, Sustainability AB

Jean Morgan

Amy Yarger, Butterfly Pavilion (acting Secretary)

Absent:

Abby McNeal (Staff Rep, Remote)
Susan McEachern (out sick)
Signe Buck, PPLAB (out, excused)
Mary Ann Dornfeld, Louisville Horticulturist (excused)
Ginger Cross, Staff (excused)
Helen Moshak (out, excused)

Guests: None

III. Approval of Agenda – The Agenda was approved by all members. Amy moved. Josh seconded. All approved.

IV. Approval of minutes – No meeting last month (April).

The minutes from the March 1, 2023, meeting were approved. Josh moved and Amy seconded. All approved.

V. Public Comments on Items Not on the Agenda

VI. Agenda Posting Location – action

Persons planning to attend the meeting who need sign language interpretation, translation services, assisted listening systems, Braille, taped material, or special transportation, should contact the City Clerk's Office at 303.335-4536 or MeredythM@LouisvilleCO.gov. A forty-eight-hour notice is requested.

Si requiere una copia en español de esta publicación o necesita un intérprete durante la reunión, por favor llame a la Ciudad al 303.335.4536 o 303.335.4574.

City of Louisville

Parks Division 749 Main Street Louisville, CO 80027
303.335.4774 (phone) www.LouisvilleCO.gov

Parks & Public Landscaping Advisory Board, Bee City USA Subcommittee

Agenda

March 1, 2023

Page 2 of 2

VII. Staff Report

No staff present today.

VIII. Bee City USA 2023 Work Plan Discussion and Review

1. Patricia (member PPLAB) – Pollinator art contest with Coal Creek and Fireside elementary schools participating, hoping for 10-15 submissions to share with the public at different city sites and spread the message. Plan to have online voting. Would like this to be an annual event – with earlier notice, more schools can participate.

*Interest from local businesses to put artwork up or to sponsor – maybe next year; Patricia approached Sweet Cow but didn't hear back

2. Work plan (refer to Work Plan document)

* Helping those who lost landscape during Marshall Fire to re-plant; National Bee City committee has \$1000 reimbursement grant for communities who have undergone disasters

* Resource Central has a special Marshall Fire program – 200 sq ft gardens for free, as well as volunteer help

- Also grant opportunities with PPAN Habitat Fund and Landscaping with CO Native Plants Conference
- **Amy will compile info resources for new garden planting**

- Louisville Farmers Market Booth – expense not known – fee can be waived first time, with \$50/75 subsequent times. **Josh will reach out to Kelly Williams for more info about booths.**
 - Important to have a plan – ideas about activities, talking points, displays; city has tents that can be borrowed
 - Butterfly Pavilion has handouts, also digital access to same info via QR code
 - Encourage people not to use pesticides; Bee City has flyers
 - John has some posters for display; Jean knows someone who might loan us an empty bee box
- Elementary school planting – planting will likely wait until fall, Josh hasn't heard back re: the work order. Josh and Chris Lichte had walked the grounds and discussed tree opportunities. Josh will do additional outreach.
- Community gardens – 2 in Louisville; need to contact managers of community gardens (maybe 1 or both sites run by Denver Urban Gardens) and find out what they are doing. **John will follow up with Signe about contacting community gardens with Jean.**
- Bee house constructions and native plant seed strips – possible school or Scout project for next fall. **Patricia will reach out to school contacts to gauge interest.**
 - Question about funding for these activities – how to raise/ allocate funds; need to talk with Abby about that; may be funds available via bag tax
- Policy items – City is considering Dark Sky ordinance this June, perhaps writing a letter of support. No Mow May initiative – Josh presented to City Council last 2 years but no response thus far, present a balanced approach.
- Reach out to local nurseries, such as Harlequin's Nursery which is neonic free; Growing Gardens also has weekend plant sales.

IX. Discussion Items for Next Meeting

- X.** Adjourn – The meeting was adjourned at 6:28 PM. Josh motioned. Patricia seconded. All approved.

Work Plan discussion items for Louisville Bee City USA Subcommittee Community Outreach

Replanting Home Landscapes after the Marshall Fire (John)

Supporting our local families and businesses in the planning and replanting of landscapes to support pollinators, featuring native and water-wise plants and turf. This could be a community-wide and long-lasting initiative.

Louisville Farmer's Market booth (Laurie, John)

A booth at the Louisville Farmer's Market to spread the word about Bee City USA and the things that Louisville has been doing to promote conservation and habitat restoration for pollinators, including our native bees. We could pass out native plant lists, sell native and pollinator plants for the garden, promote water-wise landscaping, maybe some local honey, T-shirts, coffee mugs, and window/bumper stickers? This booth could go on the road to other farmer's markets in the area. Yum, fair food!

Bee and Pollinator-themed Art Contest for Louisville Elementary schools (Patricia)

Patricia has made great strides in organizing our first outreach event. Two Louisville Schools are currently participating, plus we will have an entry submission box at the Louisville Public Library for additional individual entries. Winners will be selected by Louisville Bee City USA Subcommittee volunteers. We will have gift cards from Sweet Cow for the winners. Artwork from our contest winners (and honorable mentions?) will be displayed at the Louisville Library and possibly at other City facilities.

Encourage Pollinator Education at Local Schools (Josh)

The second grade at LES is currently studying insects. We could investigate places in the local school curricula where we could educate students about the importance of pollinators.

Louisville Community Garden outreach (Signe)

Louisville has community gardens where citizens get a plot of land to garden to their heart's content. Could we "recruit" them to plant at least one pollinator bush or plant for the bees on their individual plot. This would be an easy project to execute.

Pollinator Houses and Native Plant Seed Strips (Susan)

Sponsor a papermaking session with flower seeds impressed in the paper for kids. They can write a note of promise to the pollinators on the paper and then "plant" it so the seeds will germinate.

Coordinate an event at the Home Depot store to build bat and bee houses and help find places to install the houses.

Reach out to local nurseries that are neonic-free to see if they'll offer discounts to Marshall Fire victims when they're replanting their yards.

Policy Initiatives to Consider/Support (Josh)

The Louisville City Council will consider a dark night sky lighting ordinance for residential properties later this year. Dark night skies are important for nocturnal pollinators. We could think about advocating for this ordinance.

No Mow May is an international effort to convince people not to mow their lawns during May so that pollinators can make use of all of the flowers that bloom in the spring. We could publicize this effort, and we could ask the City to adopt this policy.

Louisville City Council will also be considering a ban on gasoline-powered landscaping equipment later this year. Studies have shown that air pollution from such equipment negatively impacts insects and mowing and blowing negatively impacts insects and their habitats. We could think about advocating for this ordinance.

The golf course is the only City property where glyphosate and certain other pesticides are permitted. There are a handful of so-called organic golf courses across the world. We could push our golf course towards organic practices including the inclusion of native, pollinator-friendly plantings along the course's edges.

Xerces Blogs:

<https://www.xerces.org/blog/the-night-shift-moths-as-nocturnal-pollinators>

<https://www.xerces.org/endangered-species/fireflies/about>

Xerces Webinar:

“Turn the Lights Out for Fireflies and Other Insects”

<https://www.youtube.com/watch?v=ahwnDeWzF0E>

[Local Government](#) » [Government](#) » [Departments](#) » [Planning](#) » [Zoning & Design Regulations](#)

Dark Sky Lighting

If you are considering updating or replacing your outdoor lights you may want to think about being “dark sky friendly” and help reduce light pollution in our city. This can be as simple as using shielded light fixtures and directing them downward, using warm white bulbs, and using a timer, dimmer or motion detector on lights so you only use as much light as needed.

What is light pollution? Most of us are familiar with air or water pollution, but light can be a pollutant as well. Light pollution is the excessive use of artificial light. It has been shown to be harmful to human health, disrupt natural sleep patterns, negatively impact wildlife, and excessive lighting wastes energy and money. Reducing light pollution also helps us experience the beautiful nighttime sky of Colorado.

While good outdoor lighting is necessary for safety and security, there are many ways to design dark sky friendly lighting that enhances visibility. Bright, unshielded lighting can actually inhibit safety though glare and creating light and dark areas where it is difficult to see. More lighting is not always better lighting.

For more information on dark sky lighting benefits and resources, you can visit the International Dark Sky Association website at www.darksky.org.

Protecting the night sky starts with **YOU!**

- 1** Light only what you need



- 2** Use energy efficient bulbs and only as bright as you need



- 3** Shield lights and direct them down



- 4** Only use light when you need it



- 5** Choose warm white light bulbs



- 6** Join IDA!

We need your help to continue the fight against light pollution.



DRAFT LIGHTING ORDINANCE – MARCH 2023

**ORDINANCE NO. XXXX
SERIES XXXX**

**AN ORDINANCE ADOPTING A NEW OUTDOOR LIGHTING CODE FOR THE CITY OF
LOUISVILLE**

WHEREAS, the City of Louisville is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter; and

WHEREAS, pursuant to such home rule authority and state law, including but not limited to C.R.S. § 31-23-301 et seq., the City has adopted procedures and standards pertaining to the regulation of outdoor lighting within the City, which are set forth in Chapter 17.24 of the Louisville Municipal Code; the Design Handbook for Downtown Louisville; and the City of Louisville Mixed Use, Commercial and Industrial Development Design Standards and Guidelines; and

WHEREAS, the City Council desires to adopt and incorporate into the Louisville Municipal Code a new Outdoor Lighting Code for the City of Louisville (the “Lighting Code”), which Lighting Code includes standards and guidelines for all outdoor lights in the City; and

WHEREAS, in connection therewith, the City Council desires to make corresponding amendments to Chapter 17.24 of the Louisville Municipal Code, the Design Handbook for Downtown Louisville and the City of Louisville Mixed Use, Commercial and Industrial Development Design Standards and Guidelines; and

WHEREAS, the City has held public workshops to discuss and gather feedback and comments on the Lighting Code; and

WHEREAS, after a duly noticed public hearing, where evidence and testimony were entered into the record, the Louisville Planning Commission has recommended the City Council adopt the Lighting Code and this ordinance; and

WHEREAS, the City Council has reviewed the recommendation of the Louisville Planning Commission and desires to adopt the Lighting Code and this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
LOUISVILLE, COLORADO:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. Title 17 of the Louisville Municipal Code is hereby amended by the addition of a new Chapter 17.26 to read as follows:

Title 17 – Zoning

Chapter 17.26 Outdoor Lighting

Chapter 17.26 – Outdoor Lighting

Sec. 17.26.010. Purpose.

The purpose of this ordinance is to provide regulations for outdoor lighting that will:

- A. Protect and enhance human and environmental health;
- B. Promote nighttime safety and visibility through purposeful and directed lighting;
- C. Increase the effectiveness of natural areas in providing sanctuary for wildlife;
- D. Support citywide sustainability efforts by limiting the use of energy resources to the greatest extent possible;
- E. Minimize the adverse impacts of lighting, such as light trespass, glare, artificial night glow, and obtrusive light;
- F. Encourage quality lighting design and implementation;
- G. Effectively manage lighting throughout the city; and
- H. Increase access to and enjoyment of the night sky.

Sec. 17.26.020. Definitions.

The following definitions shall apply to this ordinance:

Agricultural. The Agricultural (A) district as defined in Sec. 17.12.010 of the Louisville Municipal Code (LMC).

Backlighting. Lighting directed behind the luminaire.

Correlated Color Temperature (CCT). A metric to evaluate the color appearance of a light source, as measured by the absolute temperature of a blackbody whose chromaticity most nearly resembles that of the light source.

Downtown. The area encompassing properties with Commercial Community zoning that are located on the west side of the railroad tracks within the downtown, as defined in Sec. 17.08.113 of the LMC.

Footcandle. The unit of measure expressing the quantity of light received on a surface. One footcandle is calculated as the illuminance produced by a candle on a surface one foot square from a distance of one foot.

Fully-shielded. A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the lowest light-emitting part. The primary intent of fully-shielded fixtures is to eliminate uplighting and limit, to the extent possible, the visibility of the light source to

reduce glare and impacts on adjacent properties. A luminaire that is full cutoff meets the fully-shielded requirement.

Glare. Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Installation. Art, monuments, or any other outdoor features, whether owned publicly or privately, that are meant for public enjoyment and are visible from a public right-of-way or public access easement.

Light trespass (or “trespass”). Light that falls beyond the property it is intended to illuminate.

Lighting. Electric, man-made, or artificial lighting.

Lighting plan. A document(s) (site plan, schedule, et cetera) and accessory materials (specification sheet(s), night view site plan, et cetera) that contains sufficient evidence demonstrating compliance with all of the relevant provisions of this ordinance.

Lumen. The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption). Lumens have watt equivalencies, to be verified by the Director as needed.

Luminaire. A term to refer to a single unit containing all of the elements that combine to produce lighting. A luminaire consists of the complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

Luminous elements. The lamp (light bulb), any diffusing elements, and surfaces intended to reflect or refract light emitted from the lamp individually or collectively comprise the luminous elements of a luminaire.

Nonconforming. Existing lighting that does not conform to the specific provisions of this ordinance.

Nonresidential. Properties with commercial, industrial, mixed-use, and/or multi-family buildings of seven (7) dwellings or more.

Open Space (OS). The Open space (OS) district as defined in Sec. 17.12.010 of the LMC.

Open space. Privately-owned land that is undeveloped or developed that can support plant materials and that may be used for recreation, circulation, or may be viewed by them; and that preserve natural features and provide recreation, views, and density relief.

Outdoor lighting. See also “lighting.” Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.

Outdoor recreation facilities. Outdoor areas with playing surfaces that are accessible to the public or are used for private commercial purposes.

Pedestrian hardscape. Stone, brick, concrete, asphalt, or other similar finished surfaces intended primarily for walking, such as sidewalks and pathways.

Residential. Single-family homes, duplexes, row houses, and multi-family buildings of six (6) dwellings or fewer.

Uplighting. Lighting element which directs light above a horizontal plane running through the lowest point of the luminous elements.

Warmth. See also “Correlated Color Temperature (CCT)”. Warm lighting, warmer temperature ratings, and similar language refers to lighting that is lower on the CCT scale

and produces a warmer, softer, or more orange glow as opposed to a cooler or brighter glow.

Sec. 17.26.030. Applicability & Scope.

- A. The provisions of this ordinance are applicable to all outdoor lighting except streetlights within public right of way owned by a local government or utility.
- B. ***New and replacement lighting.*** Except as described below, all outdoor lighting installed after _____ (the date of the effect of this ordinance) shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.
- C. ***Nonconforming status.*** All existing outdoor lighting that was legally installed before the passing of this ordinance, that does not conform to the standards specified within, shall be considered nonconforming. Nonconforming outdoor lighting is allowed to remain until required to be replaced pursuant to the terms of this ordinance.
 - 1. Nonconforming outdoor lighting may remain in use and maintained in reasonable repair, but shall not be replaced with luminaires that exceed the maximum CCT.
 - 2. Whenever there is a new use of a property or the use on the property is changed, such as through a Special Review Use (SRU) or a General Development Plan (GDP) Amendment, all outdoor lighting shall be brought into compliance with this ordinance before the new or changed use commences.
 - 3. If a substantial addition or remodel occurs on a property, lighting for the entire property shall comply with the requirements of this ordinance. Substantial additions and remodels are defined as changes to twenty-five percent (25%) or more in terms of additional dwellings, gross floor area, seating capacity, or parking spaces, either with a single addition or remodel or with cumulative additions or remodels.
 - 4. Destruction and Abandonment
 - 1) If more than fifty percent (50%) of the total appraised value of a structure (as determined from the records of the county assessor) has been destroyed, the nonconforming status expires and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformance with the standards of this ordinance.
 - 2) A nonconforming structure shall be deemed abandoned if the structure does not have an active lease or business license registered for any period greater than six (6) months. In that instance, the nonconforming status expires and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformance with the standards of this ordinance.
- 2. It is unlawful to expand, repair, or replace outdoor lighting that was

previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.

D. Waiver Criteria for Nonresidential Uses. Any request for a waiver from the standards of this ordinance shall follow the procedures and considerations set forth in Title 17 of the LMC for approval of a Planned United Development (Sec. 17.28.110 and Sec. 17.28.120).

1. In addition to the criteria outlined in that section, the City may grant a waiver only if it makes findings that all of the following requirements, insofar as applicable, have been satisfied:
 - 1) That there is a specific need for illumination that cannot be achieved through compliance with this ordinance or through non-illuminated design elements.
 - 2) That the waiver, if granted, is a minimum waiver that will afford relief and is the least modification of the provisions of this ordinance.
 - 3) That the proposed lighting encourages excellence in design and is appropriate with the character of the area.
 - 4) That the waiver will not result in an increase to the restrictions on light trespass in Sec. 17.26.070.
2. Any request for a waiver shall include a lighting plan. The plans shall clearly identify and discuss the proposed alternatives and display compliance with the waiver criteria, including the exhaustion of feasible, compliant alternatives.

E. Variance Criteria for Residential Uses. Any request for a variance from the standards of this ordinance shall follow the procedures and considerations set forth in Title 17 of the LMC for the granting of a variance by the Board of Adjustment (Sec. 17.48.110).

1. In addition to the criteria outlined in that section, the City may grant a variance only if it makes findings that all of the following requirements, insofar as applicable, have been satisfied:
 - 1) That there is a specific need for illumination that cannot be achieved through compliance with this ordinance or through non-illuminated design elements.
 - 2) That the variance, if granted, is a minimum waiver that will afford relief and is the least modification of the provisions of this ordinance.
 - 3) That the variance will not result in an increase to the restrictions on light trespass in Sec. 17.26.070.
2. Any request for a variance shall include a lighting plan. The plans shall clearly identify and discuss the proposed alternatives and display compliance with the variance criteria, including the exhaustion of feasible, compliant alternatives.

Sec. 17.26.040. General Regulations.

All outdoor lighting is subject to the general regulations below except where stated otherwise in the ordinance.

- A. **Fully shielded.** All outdoor lighting shall be fully shielded, as defined in Sec. 17.26.020.
- B. **Color.** All outdoor lighting shall have a Correlated Color Temperature (CCT) of 3000 Kelvin or lower, or lighting rated as soft white.
- C. **Prohibitions.** The following lighting is prohibited:
 - 1. Uplighting as defined in Sec. 17.26.020 and except as allowed in Sec. 17.26.080.
 - 2. Lighting that may be confused with warning, emergency, or traffic signals.
 - 3. Mercury vapor lamps.
 - 4. Aerial lasers, such as are intended to be directed upward or for extended distances.
 - 5. Blinking or flashing lights except as allowed in Sec. 17.26.080.
 - 6. Searchlights, floodlights, or spotlights, except as required by county, state, or federal law; or as used for police, firefighting, emergency management, or medical personnel at their discretion as long as the emergency exists.
- D. **Criteria for Planned Unit Developments (PUDs).** In addition to the requirements of this ordinance, the city council must be satisfied that the lighting plan in the PUD meets each of the following criteria or can demonstrate that one or more of them is not applicable, or receives a waiver pursuant to Sec. 17.26.030 and that a practicable solution with public interest has been achieved for each of these elements:
 - 1. Multi-family residential developments with seven dwellings or more and mixed-use developments containing residential shall limit the impact of unhealthy nighttime lighting on residents to the extent possible, through such means as height limitations, low CCT, shielding, and dimming, above and beyond the scope required by this ordinance.
 - 2. Developments containing open space as defined in the Commercial Development Design Standards and Guidelines (CDDSG) and in Sec. 17.28.080 of the LMC, of .5 acres or larger, and that is meant to preserve natural features and provide recreation, views, and density relief shall enhance the ability of that land to meet those purposes by limiting, to the extent possible, internal light trespass onto that land and by employing low CCT.

Sec. 17.26.050. Residential Uses.

Regulations for residential uses in this section apply to single-family homes, duplexes, row houses, and low rise multi-family buildings of six (6) dwellings or fewer. Multi-family buildings with more than six (6) dwellings are regulated under Sec. 17.26.060.

- A. All outdoor lighting for residential uses are subject to Sec. 17.26.040.
- B. **Lumens cap.** All outdoor lighting shall have a cap of 850 lumens per luminaire.
- C. **Trespass.** Outdoor lighting on properties adjacent to areas zoned Open Space (OS) or Agricultural (A) are subject to additional restrictions as outlined

in Sec. 17.26.070.

- D. **Height.** Any luminaires at or above twenty (20) feet above grade or on a second story (whichever is lower) must use motion-activation unless above a second-story or higher deck.
- E. **Lighting plans.** New construction and substantial additions and remodels as defined in Sec. 17.26.030 are required to submit lighting plans. In addition, all replacement lighting, such as new bulbs and fixtures, must be compliant with the regulations in this ordinance.

Sec. 17.26.060. Nonresidential Uses.

Regulations in this section apply to all nonresidential uses, and for multiple residential properties of seven dwellings or more.

- A. **General regulations and exceptions.** All outdoor lighting in nonresidential uses is subject to Sec. 17.26.040. Lighting solely for the purpose of signage is exempt from this ordinance, as stated in Sect. 17.26.080.
- B. **Lumens cap.** All outdoor lighting shall have a cap of 20,000 lumens per luminaire, to be used as an upper limit and not as a typical or standard lumen level. Caps are meant as maximums to allow for a range of situations and are not meant to represent average or typical lighting levels for most sites.
- C. **Trespass.** Outdoor lighting on properties adjacent to nonresidential areas or areas zoned Open Space (OS) or Agricultural (A) are subject to additional restrictions as outlined in Sec. 17.26.070.
- D. **Downtown.** Downtown, as defined in Sec. 17.26.020, is limited to the following restrictions and exempt from the other restrictions in this section.
 - 1. All outdoor lighting in downtown is subject to Sec. 17.26.040.
 - 2. All outdoor lighting shall have a cap of 5000 lumens per luminaire excepting parking lot lights, which are capped at 20,000 lumens per luminaire. Caps are meant as maximums to allow for a range of situations and are not meant to represent average or typical lighting levels for most sites.
 - 3. Downtown properties are not subject to uniformity standards.

E. Uniformity

- 1. Nothing in this ordinance shall be construed as preventing the full shutting off of lighting regardless of changes to light uniformity measurements.
- 2. Outdoor lighting shall meet the following requirements for light levels when at 100% capacity:

illuminated Surface	Min. Light Level	Max. Light Level
Auto Dealerships: Front Row & Featured Displays	---	15.0 footcandles
Other Merchandise Areas	---	10.0
Parking Lots	.2 footcandles	5.0
Vehicular Entrances from Right-of-Way	1	5.0
Automobile Service-Station Pumping Areas	--	15.0

Drive-In/Drive-Through Canopies	---	15.0
Building Entrance and Exit	1	5.0
Common areas		5.0
Automatic Teller Machines (ATMs)	--	15.0 footcandles ¹
Stairways and Steps	1	5.0
The maximum light levels in this table are meant as caps to allow for a range of situations and are not meant to represent average or typical lighting levels for most sites.		
The Director of Planning and Building Safety has the authority to assign a category if the correct category is not readily apparent.		

3. The minimum-to-maximum light level ratio shall not exceed four-to-one (4:1) anywhere on site when at 100% output.

Sec. 17.26.070. Light Trespass

Regulations in this section apply to outdoor lighting in all use zones.

- A. Light emitted from outdoor lighting on any property shall not cause the light level along any property line, as measured at grade, to exceed the following limits:

Emitting Use	Impacted Use	Max. Light Level
Residential	Open Space (OS) and Agricultural (A) zone districts, and parks of .5 acres or larger	0.0 footcandles measured at the boundary line.
Nonresidential (except Downtown)	Residential uses and Open Space (OS and Agricultural (A) zone districts	
Downtown nonresidential	Residential	0.1 footcandles measured at five (5) feet beyond the emitting use property line.

Sec. 17.26.080. Exceptions.

Regulations for the following lighting applications are limited to the conditions of this section.

- A. All lighting applications in this section are encouraged to be turned off when no one is present.
- B. The following outdoor lighting applications are exempt from all requirements of this ordinance:
 1. Decorative lighting provided by a flame source, except that gas-fired

¹ Within a 10-foot radius from the ATM, the maintained average should not exceed 15.0 footcandles. The ten (10)-foot radius is measured from the center face of the ATM and extends a total of 180 degrees. A pedestrian transition zone should be provided within thirty (30) feet of the ATM. A maintained average should not exceed 7.5 footcandles within the pedestrian transition zone. The thirty (30)-foot radius is measured from the center face of the ATM and extends for a total of 180 degrees. No part of this note may be construed to allow trespass from ATMs greater than what is allowed for all lighting in Section 17.26.070.

- lighting appliances are prohibited.
2. Underwater lighting used for the illumination of swimming pools and other water features.
 3. Lighting solely for the purpose of the internal or external lighting of signage. Signs are regulated by the Sign Code (Sec. 17.24.010).
 4. Portable lighting temporarily used for maintenance or repair.
 5. Temporary lighting for theatrical, television, and performance areas that is not deemed by the City to create a hazard or nuisance.
 6. Emergency lighting used for police, firefighting, emergency management, or medical personnel at their discretion as long as the emergency exists.
 7. Temporary lighting required for road construction or other public improvements.
 8. Lighting within public right-of-way or public access easement for the principal purpose of illuminating streets or roads. No exemptions shall apply to any lighting within the public right-of-way or easement when the purpose of the luminaire is to illuminate areas outside the public right-of-way or easement, unless regulated with a street-lighting ordinance.
 9. Lighting required by county, state, or federal law.
- C. The following outdoor lighting applications are exempt from all requirements of this ordinance except as described in this section below:
1. For residential uses, outdoor luminaires with a low maximum output of up to eighty (80) lumens per luminaire, regardless of the number of bulbs, may be left unshielded provided they are turned off by 11 PM. Luminaires of this type shall illuminate high-impact use areas, such as patios, decks, and similar gathering-spaces or seating-areas, and pedestrian hardscape as defined in this ordinance, and are discouraged as decorative lighting.
 2. For nonresidential uses, outdoor luminaires with a low maximum output of up to 180 lumens per luminaire, regardless of the number of bulbs, may be left unshielded provided they are turned off thirty (30) minutes after closing or the completion of activities. No part of this exception may be construed as applying to the illumination of surfaces primarily used for automobile uses, such as parking lots. The intent of this exception is to provide added safety and visibility for pedestrian pathways and enjoyment in outdoor gathering spaces, and is not meant to allow light trespass onto neighboring properties or to allow for the increase of overall lighting on a site.
 3. Lighting for temporary events such as carnivals, circuses, festivals, fairs, civic events, and exhibitions must be submitted for approval along with a Temporary Use Permit as described in chapter 17.60 and may be subject to conditions as determined by the Director, including but not limited to restrictions on shielding and uplighting and curfews. In addition, the Director of Planning and Building Safety shall consider restrictions that limit uplighting and require additional shielding during

peak migratory wildlife seasons, currently during the months of May and September, to prevent direct upward lighting such as can disrupt navigation and flight patterns.

4. Motion-activation lighting shall not be illuminated for more than five (5) minutes upon activation and shall not exceed 2000 lumens per luminaire.
5. Outdoor luminaires with a maximum of 180 lumens per luminaire for the purpose of seasonal décor may remain from October fifteenth (15th) to January fifteenth (15th) throughout the city. Blinking or flashing seasonal decorations are prohibited on nonresidential properties and discouraged on residential properties. No part of this exception may be construed to allow prohibited lighting types listed in Sec. 17.26.040, even for seasonal decorative purposes.
6. Lighting of up to a total of one (1) flag per property and lighting of up to (1) installation as defined in this ordinance is permitted with the following conditions:
 - 1) On all properties, the tradition of lowering flags at sunset is encouraged to avoid the need for lighting.
 - 2) If illuminated, flags and installations are to be illuminated with up to two (2) spot-type fixtures, shielded to the greatest extent possible, with a combined maximum lumen output of 2500 lumens.
7. Lighting for outdoor recreation facilities that are publicly-owned or for commercial purposes in nonresidential uses is exempted from restrictions elsewhere in this ordinance and shall meet the following requirements:
 - 1) Lighting shall be reviewed through a Planned Unit Development (PUD) process as described in Ch. 17.28.
 - 2) Only lighting used to illuminate a playing surface is governed by this subsection. All other lighting, such as for parking lots and auxiliary structures, is subject to all of the other relevant standards of this ordinance.
 - 3) If the luminaire(s) is not fully shielded, then the lighting must be shielded to the greatest extent practical to eliminate uplighting and limit illumination of all other non-targeted areas.
 - 4) Lighting is subject to trespass standards for Nonresidential in Sec. 17.26.070.
 - 5) Lighting shall have a nominal CCT of no greater than 5700 Kelvin.
 - 6) Lighting controls shall provide the following functions:
 - a. Local or remote manual control with at least two (2) preset light levels.
 - b. Lights shall be automatically extinguished by one (1) hour after the end of play or when not in use.

Section 3. Sections 8.1 to 8.7 of the City of Louisville Commercial Development Design Standards and Guidelines are hereby repealed and reenacted to read as follows:

8.1 Compliance with Outdoor Lighting Code.

Outdoor lighting shall comply with the Chapter 17.26 of the Louisville Municipal Code, as amended from time to time.

Section 4. Sections 8.1 to 8.5 of the City of Louisville Industrial Development Design Standards and Guidelines are hereby repealed and reenacted to read as follows:

8.1 Compliance with Outdoor Lighting Code

Outdoor lighting shall comply with the Chapter 17.26 of the Louisville Municipal Code, as amended from time to time.

Section 5. Any reference to outdoor lighting not in right-of-way is hereby repealed in the Design Handbook for Downtown Louisville. A new section L1 shall be added to Page 15 to read as follows:

L1. Compliance with Outdoor Lighting Code

Outdoor lighting shall comply with the Chapter 17.26 of the Louisville Municipal Code, as amended from time to time.

Section 6. Chapter 14. Exterior Site Lighting in the Mixed Use Development Design Standards and Guidelines is hereby repealed and reenacted to read as follows:

14. Compliance with Outdoor Lighting Code

Outdoor lighting shall comply with the Chapter 17.26 of the Louisville Municipal Code, as amended from time to time.

Section 8. If any portion of this ordinance is held to be invalid for any reason such decisions shall not affect the validity of the remaining portions of this ordinance The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 9. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty,

forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 10. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED this XX day of _____, 2023

_____, Mayor

ATTEST:

_____, City Clerk

APPROVED AS TO FORM:

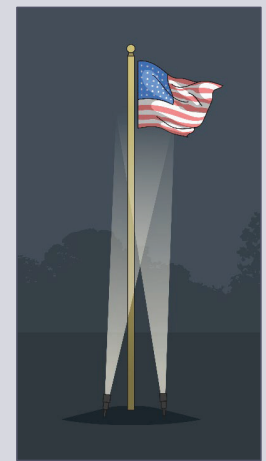
City Attorney

Summary of Survey Results as of 3.15.23

The commercial and residential surveys will be open until April 15, 2023 via engagelouisvilleco.org/darksky.



Input	Impact
Lighting of flags is important to 24% of respondents and lighting of art/monuments is important to 29%.	Uplighting of art, monuments, and flags is allowed with regulations in the 3.24.23 draft ordinance.
Decorative lighting is important to 47% of respondents.	Decorative lighting (festoon lighting, holiday lights, etc.) are allowed with regulations in the 3.24.23 draft ordinance.
Some respondents expressed concern about the financial impacts of compliance for residential and nonresidential properties.	Staff is exploring financial assistance options to present to City Council.



Flag with uplighting.



General input on dark sky lighting from Louisville residents

63% of respondents exclusively expressed support for dark sky lighting in their written comments. 17% exclusively expressed opposition and 19% expressed mixed views.

29% agreed that current commercial lighting levels were acceptable, 48% disagreed, and 23% were neutral.

40% agreed that current residential lighting levels were acceptable, 50% disagreed, and 11% were neutral.