

City of Columbus
Public Hearing – Lighting Ordinance Amendment (PC-15-107)
September 2, 2015

The September 2, 2015 Public Hearing to receive testimony regarding the request for a lighting ordinance amendment was called to order at 7:03 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Jody Krebs, Jesse Preiner, Pam Wolowski, Jim Watson, and City Administrator Elizabeth Mursko, Planner Dean Johnson, and Recording Secretary Lorie Lemieux.

Also in attendance were Pat Preiner, Mary Preiner, Emmy Robinson, Rick Robinson, Mary Foster, and Kathy Osterberg.

Sternberg: Now we're going to have a Public Hearing and discussion on the lighting ordinance, pages 1 through 3. And, at this time, I'd like to ask the recording secretary to read the notification as published.

Notice was read at this time by the recording Secretary.

Sternberg: Thank you. And I, I suppose, uh, Dean, do you want to give us the rundown on this?

Johnson: Well, it's been a while since we talked about this. There are several sections, um, that this amends, and there's actually two different chapters. First is the public safety/public nuisance section of the City Code, which is Chapter 5. And the second series of items are all in Chapter 7, the zoning ordinance. And, this all relates to establishing consistent minimum standards, um, for lighting adjacent to any residential property. Um, and that's proposed at one footcandle or one lumen per square foot, measured at any residential property line. We added several definitions, and, probably the more important, is a term called cutoff luminaire, which just represents shield or shrouding of all lights, so there's no upward glare from these. And we had similar standards in the previous ordinance requiring shrouding of lights, but we had some inconsistencies. And so, basically, this was bringing Chapter 5 and Chapter 7 together and adding a couple of definitions. And, again, the, the primary proposal is that no light source can be unshielded and, uh, no light adjacent to residential property or measured at any residential property line be greater than one lumen or one footcandle.

Sternberg: Sounds good. So let's...any questions?

Krebs: Nope.

Sternberg: At this time I'm gonna open the meeting to the public. Is there anyone here from the public? Please step forward and state your name and address for the record.

Robinson: Emmy Robinson. 18334 Tulane Street, Columbus. Thank you for taking my input.

Sternberg: Thank you for coming.

Robinson: I just had a couple of questions and some clarifications. Um, first, probably for Dean, what, can you describe what a footcandle looks like at a property line? Was there a . . .

Johnson: It's pretty dim. Uh, we have a resident electrician that would probably be better to describe it.

Sternberg: Yeah. It's, it's basically the amount of lumens a candle will put out in a square foot. So, it'd be similar to putting a candle . . . you know, the, the light that comes from a candle or the glow that comes from a candle.

Robinson: At the property line?

Sternberg: Yeah.

Robinson: Okay. Okay.

Johnson: It's pretty dim.

Robinson: Okay. Pretty dim. That sounds pretty dim. Okay. Very good. Um, second is how do you, how do you intend to enforce this? Um, you know, I know obviously staff isn't here at night, you know, in the dark. And, um, I doubt that we have a light meter. So, that was my next question.

Sternberg: Well, you know, I think, we're actually working on some stuff as far as enforcement goes, and one of the things, um, one of the main reasons we did this was because we had new businesses coming in with CUPs and part of their stipulations were full cutoff fixtures, and it was just slipping through the cracks and they were not abiding by the conditions. So we've got some ideas on new buildings where the building inspector, you know . . . it'll be contingent. The CO or the final inspection will be contingent on the proper fixtures being installed. So this is pretty much pertaining to, you know, new buildings and new construction going on in the City.

Robinson: And how does that affect then residential properties?

Sternberg: Um, I think it's primarily geared towards commercial. There . . . it is in the residential code too, but, uh . . .

Johnson: Well, this is any light source from one resident to another is one footcandle, and – Elizabeth can probably speak to enforcement better than I, but obviously with a lot of more rural dwellings, you've got a lot of yard lights, and most of those, unless they're right adjacent to your property, are not going to exceed that one footcandle. So this is any source of light, whether it's a residence or a business, can't exceed that. It's going to take a long time, education, changing things, where people put in shrouds on some of these lights. Uh, this ordinance says they can't be unshielded, and so almost every yard light is in violation. The intention is, again, through education, that – some people don't like this – we try to reduce the amount of light that goes up in the sky. And, yet, somebody else may look at someone's spotlight which just happens to be

aimed right at their bedroom, and that becomes a complaint, and they're going to have to be dealt with case by case.

Mursko: And, and I think that's what we talked about, that we, we're not going to be proactive, you know, we're not having someone on staff going out at night waving at people, but if we get complaints, we'll let them know that we have a, you know what I mean, new code, and, and I actually do think that most people don't realize that they can buy shrouded lights. I mean we just bought new yard lights, and, I mean, that was the first thing I looked at, because, quite frankly, I don't want to shine in everybody's windows either. So, I really do think that if property owners knew what to buy, they would buy it, and not do that. So, I think, you know, what Bronwyn will do is she'll put – you know, once we adopt the ordinance – there might be some educational materials that someone could give us that we would at least educate people, and when they actually buy new ones, they can buy either the solar ones or the other ones that have the shroud fit on them.

Robinson: Okay. So, um, our main concern or I guess how we're affected personally is the all-night, dusk-to-dawn lights. Um, and, you know, we've had some neighbors kind of jury rig a light that they put up, to try and shroud it, which hasn't worked. And, um, so that was kind of what my concern was, and, and I assume that's what we're talking about. We're not talking about, you know, the guy who turns on his front garage lights and they're shining out a lot; we're just talking about dusk-to-dawn. Is that correct, or . . . ?

Johnson: It really is any source. I mean, I suspect complaints can be brought in here for any number of reasons. Uh, the, I, I think when part of this came from the City Council, it was reducing night glare, but this, these provisions are in the public nuisance section of the ordinance, and every City investigates every public nuisance as it goes. We don't have the light police driving around town looking for violations. I mean that isn't affordable. And, so, it is going to take time, and I think when anyone has a reasonable complaint, the first thing you do is let somebody know, and they, you know, hopefully will take care of it. And five or ten percent of the people won't do anything you ask them. And, so then you have to put a priority on it and see how much you're gonna spend, but, as you know, many ordinance items go unchecked, but we can't get rid of them.

Robinson: Right. Um, item, item T, which is the Section 1, Chapter 5, it talks about, uh, at the very last statement is: 'The property where the lighting is located when abutting residential property.' Just for clarification on my own, I read that as: If I live across the street or if someone's across the street, I'm not abutting, so I can't complain, or . . .

Johnson: It's the amount of light that's on the property, not where the light is actually located.

Robinson: So, in other words, if, if, uh, the light's on the house and there's a road here, it, the one candlefoot is at their property line?

Johnson: Um, there's, there's two issues: It is the measurement of the light at your property line; it is also direct glare. Those are the two points regarding public nuisance. So, technically, anybody could look at any yard light and say, 'That's direct glare.'

Robinson: Oh, okay.

Johnson: That's why I say, you've probably got 500 yard lights in this community, and some are going to be totally within wooded areas and others are going to be a direct nuisance to somebody, and, we've probably heard about it or maybe now with the new ordinance they'll think that the light police can go out and stop it, and it's going to take a while.

Robinson: Yeah. So . . . (to another audience member) Did that answer your question? (back to the Planning Commission) Okay. Sorry. Um, let me see. Uh, luminaire cutoff, um, is a little daunting as far as its explanation as it sits in the proposed ordinance change here. Is there a diagram? 'Cause, you know, it says, 'a luminaire or the cutoff in which 2 ½ percent . . .' well, you know how it reads. So, I'm just not quite sure what that means. You know, '80 degrees above the luminaire's lowest point' to me is, I mean I know what 80 degrees is, but I'm not sure how that, how that works.

Johnson: Defer back to my resident engineer.

Sternberg: You know, I, basically what it's saying and the way I, the way I would read it and understand it is that, you can't, the light fixture has to be designed in a manner that no, that the light can't go upward past the fixture horizontal plane. You know, there's all different ways to write it. I think a diagram might be helpful to some people. What we have talked about – on the administrative end – is further enforcement and, you know, helping people as they come in for their permits, is actually showing them a cut sheet of a full cutoff luminaire and what it looks like and what we expect. So, there'd be examples.

Robinson: Okay. And a diagram?

Sternberg: Yeah, basically, every fixture comes with a cut sheet and they, they're all approved for what we call lighting ordinance – lighting ordinance approved.

Robinson: Okay.

Sternberg: So, if you're putting up a building and you're specified or directed to put in a, you know, full cutoff fixture, everybody that's involved with the construction of the building should know what we're talking about. But just to take it even further, we would like to give them some diagrams, some cut sheets, examples of full cutoff fixtures, um, and kind of what we're expecting to see out of this.

Robinson: Okay. Does . . . ?

Sternberg: In an existing situation, like what you're talking about, it's, you know, um, a different story.

Johnson: Well I would just say, a typical yard light has got some sort of a fixture above the light-emitting part.

Robinson: Yup.

Johnson: It isn't gonna meet allowing only 2 ½ percent of that escaping to the north or above that plane, so almost every yard light does not meet this requirement. There are shrouds that can be put on them. Uh, in more commercial settings, uh, wallpack lights without a shroud, so that if you're driving by the building you might see the yard lit up, but you don't see the bulb. That's what this requires.

Robinson: Okay.

Johnson: And 80 percent underneath that is supposed to be directed within a certain sphere, that the light goes down.

Robinson: Okay. I was thinking 80 this way.

Johnson: No. It's more than 80. You're only allowed 2 ½ percent above the light. And, that's why I say it's impossible for any kind of bulb that's typically a yard light – they don't, none of them meet it. And in the discussions we had at the Planning Commission, we talked about, you know, we need to work with the power companies, because they have deals, they sell the lights, and, you know, you get a package. And, they ought to be putting the cutoff luminaires on all of these, because they exist. And everything can be retro-fitted.

Robinson: Okay. So the, yeah, 'cause there's – like you say – a lot of old, you know, overhead lights.

Sternberg: And, just a note on that deal, they are actually going through and retro-fitting those yard lights, you know, the big, orange HID lights that they had for years?

Robinson: Yeah.

Sternberg: I have a place where there's a pole yard light, and, I went over there the other day and all of the sudden there's an LED light up there. Which seems like it might meet these – this is a full cutoff fixture where the light comes out the bottom and you don't see it. Um, and it seems like it might fit those parameters, but I haven't seen it at night, so I don't really know what it does yet.

Robinson: Okay. Um, and then the, I think my last question is, um, in Section 3, item B. Um, I just want to clarify the lighting. It says, 'All outdoor lighting fixtures,' I just want to clarify that that also includes landscape lights?

Johnson: Say it again.

Robinson: Um, in this Section 3, Chapter 7A I believe.

Johnson: Yup.

Robinson: Lighting. I know it reads, ‘All outdoor lighting fixtures.’ Does that also include landscape lighting?

Johnson: Um,

Robinson: In other words, like solar lighting or landscape lighting or all that stuff. I, I you know, I’ve seen some places where they have solar lights going the whole length of the property – not that that’s our issue, but, you know . . .

Johnson: If you’re on a commercial property, as an example, that abuts another commercial property, you don’t see much of this cutoff activity, because, in most instances, they all want light and they are all night in many commercial properties. This just says, whether it’s your residential neighbor or a commercial use in the community, they all have to have cutoff luminaires. And that’s why I say the enforcement of this is gonna take a long time, because we have a lot of violations. We understand that, and through education, newsletters, and programs through the local utility, we hope over time that it gets reduced. If somebody’s got a severe problem, and the glare is noticeably an issue, I think there’d probably be some special attention paid to it, whether it’s the building official or somebody that checks up on it. And, again, I think most people don’t understand that they might offend others, and some might do it purposely, we don’t know.

Robinson: I mean, I understand people want to have, you know, security (unintelligible). (A comment directed to another audience member) Thank you.

Sternberg: Thank you. Anyone else here from the public to speak on the matter? Okay. At this time I’m going to close the meeting with the right to reopen if it becomes necessary.

Hearing closed at 7:20 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary