

AMENDMENT NO. 2

TO

SUBSTITUTE ORDINANCE NO. BL2020-535

Mr. President –

I hereby move to amend Substitute Ordinance No. BL2020-535 as follows:

I. By amending Section 1 by amending proposed Metropolitan Code of Laws Section 16.20.150(T) as follows:

(T) Article 410.10 of the 2017 Edition of the National Electrical Code is amended by adding the following Section G:

Parking Lots - Open parking lots shall use luminaires with a “U” BUG rating (Backlight Uplighting Glare) of 0 without external shields. Luminaires shall have a Correlated Color Temperature (CCT) of 3000 Kelvin or below. Principal walkways and parking shall have a maintained minimum illuminance of 0.2 foot-candles at grade. The average light level is not to exceed ~~1.25 foot-candles~~ the average lighting levels set forth in the table below, as related to the Transect Category for the site as designated in the Community Plans of NashvilleNext. Spill light at the property line shall not exceed 0.5 foot-candles measured at 3’ above grade. Exception may be given for calculation points on the drive between the parking lot and roadway only. Luminaires shall be controlled by occupancy sensor or timers after business hours or between the hours of ~~11 p.m. to 4 a.m.~~ 12 a.m. to 6 a.m., at a minimum. Occupancy sensors or timers may turn lights off or dim by at least 30% during periods of no occupancy. Prior to installation, a photometric plan shall be reviewed by a certifying engineer with calculation points on a 10’ X 10’ grid.

<u>Transect Category</u>	<u>Average Lighting Level</u>
<u>T1 Natural, T2 Rural</u>	<u>0.8 foot-candles at grade</u>
<u>T-3 Suburban</u>	<u>1.25 foot-candles at grade</u>
<u>T4 Urban, T-5 Center, T-6 Downtown</u>	<u>1.5 foot-candles at grade</u>

II. By amending Section 2, by amending proposed Metropolitan Code of Laws Section 17.28.100, subsection A, by adding the following definition in alphabetical order:

"Municipal stadium" means a structure:

1. With seats for not less than thirty thousand spectators;
2. Constructed after July 7, 1977;
3. Used primarily for sporting events and other related activities; and
4. Currently financed or was financed by general obligation bonds, revenue bonds or other indebtedness issued by the metropolitan government or the sports authority.

III. By amending Section 1 by deleting the proposed Metropolitan Code of Laws Section 17.28.100.B.1 and replacing it as follows:

1. Residential and Agricultural: All exterior lighting, excluding freestanding floodlights, is subject to subsection E.4 only. Freestanding floodlights shall be subject to subsections E.1.d, E.2, and E.4.

IV. By amending Section 2, by amending proposed Metropolitan Code of Laws Section 17.28.100, subsection C, as follows:

#### C. Exempt Outdoor Lighting

The following lighting is exempt from the provisions of these outdoor lighting regulations for new construction in any zoning district as of the effective date hereof, provided such activities are permitted by this Title:

1. Temporary lighting for theatrical, television, performance areas and construction sites, specifically excluding upward-facing searchlights used to advertise the location of an event.

2. Lighting that is otherwise required for a life-safety purpose within the Metropolitan Code.

3. Lighting that is only erected or used under emergency conditions.

4. Lighting located within the ~~Second Avenue Historic Preservation Zoning Overlay or Broadway Historic Preservation Zoning Overlay~~ following Downtown Code Subdistricts: Core Historic, Core, Upper Broadway, 2<sup>nd</sup> and Broadway, SoBro, except that such lighting shall be subject to the provisions of subsections D3, D4, and D5 of this section.

5. Lighting located at a Municipal Stadium, except that such lighting shall be subject to the provisions of subsections D3 and D5 of this section. However, the provisions of D5 shall not be applicable during an event, game, performance or other organized function at the municipal stadium.

6. Lighting on property owned by the Metropolitan Nashville Airport Authority and lighting otherwise required by the Federal Aviation Administration.

V. By amending Section 2, by deleting proposed Metropolitan Code of Laws Section 17.28.100, subsections D.2 and D.4 and renumbering the remaining subsections accordingly.

VI. By amending Section 2, by amending proposed Metropolitan Code of Laws Section 17.28.100, subsection E.1.c as follows:

c. As an alternative to compliance with the foregoing provisions of this section, an applicant may choose to comply with The International Dark Sky Association (IDA) model legislation of June 2011 (located at [https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/16\\_MLO\\_FINAL\\_JUNE2011.PDF](https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/16_MLO_FINAL_JUNE2011.PDF). ) except no special permit referenced in section VI.B of the model legislation shall be required. For special uses outlined in section VI.B of the model legislation that cannot comply with the technical requirements, a letter

from an engineer licensed with the state of Tennessee shall be submitted to the Department of Codes Administration confirming that the project has sustained reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Lighting Zones in the model legislation shall correlate to the Transect Category for the site as designated in the Community Plans of NashvilleNext as follows:

T1 Natural	LZ-0
T2 Rural	LZ-1
T3 Suburban	LZ-2
T4 Urban	LZ-2
<del>T5 Center</del>	<del>LZ-2</del>
<del>T6 Downtown</del> T5 Center D District	LZ-3
<del>D-District</del> T6 Downtown	LZ-4

VII. By amending Section 2, by amending proposed Metropolitan Code of Laws Section 17.28.100, subsection E.2, as follows:

2. Correlated Color Temperature (CCT): All lighting sources, except for public playing fields and lighting on public property necessary for the proper functioning of security cameras, must have a correlated color temperature (CCT) at or below three thousand degrees Kelvin (3000 K).

VIII. By amending Section 2, by amending proposed Metropolitan Code of Laws Section 17.28.100, subsection E.3, as follows:

3. Permitted Hours of Outdoor Lighting:

a. Commercial: No more than fifty percent (50%) of exterior lighting shall be permitted to be illuminated, or lighting shall be dimmed ~~to 50%~~ by 30% illuminance except for one hour before start of business, during regular business hours as determined by said business, and one hour following close of business unless exempt for safety or security concerns. Motion detectors may be used to restore lighting to 100% for safety. All outdoor lighting shall be turned off during daylight hours.

b. Property Used for Governmental and Public Purposes: Any zoning lot in any zoning district used for governmental or public purposes, except for street lighting, shall comply with the permitted hours and security lighting limitations for commercial lighting zones. Outdoor lighting of the playing field of an organized sporting event on public property may remain illuminated until ~~thirty (30) minutes~~ one hour (1) hour after the conclusion of an event.

SPONSORED BY:



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Burkley Allen  
Member of Council

**ADOPTED: April 6, 2021**