

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Request for adoption of amendments to the Seminole County Land Development Code - County-wide Lighting Ordinance

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Francisco Torregrosa **EXT.** 7387

<p>Agenda Date <u>1/13/04</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/></p> <p> Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input checked="" type="checkbox"/></p>

MOTION/RECOMMENDATION:

1. Adopt the proposed ordinance amending the Seminole County Land Development Code, Chapter 2 - Definitions and Chapter 30 - Lighting Ordinance.
2. Refuse to adopt the proposed ordinance amending the Seminole County Land Development Code, Chapter 2 - Definitions and Chapter 30 - Lighting Ordinance.
3. Continue to a time and date certain.

District: Countywide Francisco Torregrosa, Planner

BACKGROUND:

On April 23, 2002, the Board of County Commissioners adopted a lighting ordinance as an overlay district for the S.R. 46 corridor. During the hearing process, the BCC directed planning staff to prepare a County-wide Lighting Ordinance to regulate lighting standards. At that time, the Board expressed concern with the brilliance of lighting at gas stations and like uses and requested staff to look into revised standards that minimize off-site glare and lighting. On November 12, 2002 and May 27, 2003, the Board of County Commissioners reviewed the draft ordinance and recommended additional changes dealing with retrofitting, grandfathering and search light restrictions. These changes have been made. The draft ordinance has been reviewed by the Planning and Zoning Board and by various interest

<p>Reviewed by: _____</p> <p>Co Atty: <u>KCC</u></p> <p>DFS: _____</p> <p>OTHER: <u>6</u></p> <p>DCM: <u>SS</u></p> <p>CM: <u>KH</u></p> <p>File No. <u>PH700PDP07</u></p>

groups including the Development Advisory Committee and the Sustainable Community Advisory Council.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board voted 5-0 in favor of adoption of proposed amendments to the Seminole County Land Development Code, Chapter 2 - Definitions and Chapter 30 - Lighting Ordinance without modifications.

Minor modifications have been made to the proposed ordinance since it was reviewed by the Planning and Zoning Board. These include flexibility on height restrictions of cut-off fixtures when it can be demonstrated by the applicant that the increase in height will not result in greater light spillage onto adjacent properties than the ordinance allows. These changes are found in Sections 30.1234(a)(2)(A) and 30.1234(a)(2)(C).

STAFF RECOMMENDATION:

Staff recommends adoption of the proposed amendments to the Seminole County Land Development Code, Chapter 2 - Definitions and Chapter 30 - Lighting Ordinance

Attachments:

- LDC Amendments Table
- Proposed Lighting Ordinance
- Planning and Zoning Meeting Minutes

LAND DEVELOPMENT CODE AMENDMENTS TABLE

ITEM	AMENDMENT	PAGE NUMBER IN DRAFT ORDINANCE
1	Create outdoor lighting standards for the unincorporated area of Seminole County	New countywide Lighting Ordinance
2	Provide definitions.	Included. (p. 2)
3	Provide for design, illuminance, height, set-back, shielding and underground wiring standards for outdoor lighting sources.	Included. (pp. 6-11)
4	Authorize approval of alternate materials and installation of lighting sources.	Included. (p. 8)
5	Require lighting plans.	Included. (pp. 8-9)
6	Prohibit certain types of lighting.	Included. (p. 9)
7	Provide for certain uses and exemptions.	Included. (pp. 9-10)
8	Amend Sections 2.3, 30.1067, 30.1206, and 30.1233	As needed.
9	Create Section 30.1234.	Included. (pp. 6-11)
10	Provide for severability.	Included. (p. 11)
11	Provide for codification.	Included. (pp. 11-12)
12	Provide an effective date.	Included. (p. 12)

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
WEDNESDAY, OCTOBER 1, 2003**

Members present: Alan Peltz, Chris Dorworth, Ben Tucker, Beth Hattaway, Dudley Bates

Members absent: Thomas Mahoney, Richard Harris

Also present: Tony Matthews, Principal Planner; Mike Rumer, Planner; Cynthia Sweet, Planner; Jeff Hopper, Senior Planner; Tony Walter, Principal Planner; Matthew West, Planning Manager; Candace Lindlaw-Hudson, Senior Staff Assistant; and Karen Consalo, Assistant County Attorney; Jim Potter, Development Review Division.

The meeting was called to order at 7:05 P.M. by Chairman Tucker. The Chairman introduced the method by which the voting was to be conducted and procedures followed to conduct the meeting.

Commissioner Hattaway made a motion to accept the proof of publication.

Commissioner Bates seconded the motion.

The motion passed by unanimous consent.

The minutes of the previous meeting were accepted as circulated with unanimous approval.

J. Countywide Lighting Ordinance; Changes to Seminole County's Lighting Ordinance as recommended by County staff.
Countywide
Francisco Torregrosa, Planner

Mr. Torregrosa stated that this ordinance came about due to concerns of the Board of County Commissioners for excessive light levels at gas stations. Areas addressed were expanded to cover other areas. This ordinance has been reviewed by the Development Advisory Board and the Sustainable Communities Advisory Council. Staff recommends approval.

Commissioner Bates made a motion to recommend approval.

Commissioner Peltz seconded the motion.

The motion passed by unanimous consent.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; CREATING OUTDOOR LIGHTING STANDARDS FOR THE UNINCORPORATED AREA OF SEMINOLE COUNTY; PROVIDING DEFINITIONS; PROVIDING FOR DESIGN, ILLUMINANCE, HEIGHT, SET-BACK, SHIELDING AND UNDERGROUND WIRING STANDARDS FOR OUTDOOR LIGHTING SOURCES; AUTHORIZING APPROVAL OF ALTERNATE MATERIALS AND INSTALLATION OF LIGHTING SOURCES; REQUIRING LIGHTING PLANS; PROHIBITING CERTAIN TYPES OF LIGHTING; PROVIDING FOR SPECIAL USES AND EXEMPTIONS; AMENDING SECTIONS 2.3, 30.1067, 30.1206, 30.1233; CREATING SECTION 30.1234; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an economic impact statement has been prepared and is available for public review in accordance with the provisions of the Seminole County Home Rule Charter; and

WHEREAS, the private property rights analysis has been prepared and made available for public review in accordance with the requirements of the Seminole County Comprehensive Plan (SCCP), known as Vision 2020; and

WHEREAS, unnecessary and improperly designed light fixtures cause glare, light pollution and wasted resources; and

WHEREAS, glare and light pollution can result in hazardous vehicular circulation conditions for all modes of transportation, light trespass, and the diminished ability to view the night sky; and

WHEREAS, the County of Seminole desires to protect the health, safety, and welfare of the residents, motorists and the

general public, and to protect views of the night sky, which add to the quality of life and economic well being of Seminole County citizens; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Section 2.3, Land Development Code of Seminole County is hereby amended to read as follows:

Sec. 2.3. Definitions

Cut-off Fixtures: Light fixtures that are designed or shielded such that all light rays emitted by the fixture are projected below the horizontal plane running through the lowest point on the fixture where light is emitted.

Foot candles: A unit of light intensity stated in lumens per square foot and measurable with an illuminance meter.

Outdoor light fixture: Any outdoor electrically powered illuminating device, reflective surface, lamp or similar device, which is used for illumination or for advertisement.

Retrofit: The addition or remodeling of an existing structure or item with new equipment or technology.

Section 2. Section 30.1067(e), Land Development Code of Seminole County is hereby amended to read as follows:

Sec. 30.1067. Parking areas.

(e) Lighting. Parking lot lighting shall be designed as follows: in accordance with Section 30.1234 of this Code.

~~(1) Illumination onto adjacent properties shall not exceed 0.5 foot candles.~~

~~(2) Cut off fixtures are required to conceal the actual source of the light which reduces glare and to direct the light to specific areas while shielding other areas.~~

~~(3) The maximum height of the light pole shall be twenty five (25) feet, including the base.~~

~~(4) The minimum setback of the light source from the property line shall be a horizontal distance of twenty (20) feet.~~

Section 3. Section 30.1206(g), Land Development Code of Seminole County is hereby amended to read as follows:

Sec. 30.1206. Parking areas.

(g) Parking lot lighting shall be designed as follows: in accordance with Section 30.1234 of this Code.

~~(1) Illumination onto adjacent properties shall not exceed one half (0.5) foot candles.~~

~~(2) Cut off or similar type fixtures, as approved by the current planning manager, shall be used to conceal the actual source of light, to reduce glare and to direct the light to specific areas while shielding other areas.~~

~~(3) The maximum height of the light pole shall be twenty five (25) feet, including the base.~~

~~(4) The minimum setback of the light source from the property line shall be a horizontal distance of twenty (20) feet.~~

Section 4. Section 30.1233, Land Development Code of Seminole County is hereby amended to read as follows:

Sec. 30.1233. Miscellaneous design standards.

(a) Solid waste containers. All solid waste containers, except approved recycling containers, shall be enclosed on at least three (3) sides with a six feet (6') high screen. The screen shall consist of a wood fence or a brick or masonry wall. The ~~current~~ Planning ~~division~~ Manager may require that a hedge or similar landscaping material surround the enclosure walls. The container shall be enclosed in such a manner as to be screened from public streets and adjoining properties. A concrete or asphalt pad of appropriate size and construction shall be provided as a base for the container. The container pad shall be at the approximate level of the service vehicle approach area so that the truck's loading mechanism can align with the container's sleeves. The screened enclosure shall not be located in any street right-of-way, required landscape buffer or the passive edge(s) of a building site. Containers and enclosures shall be located to allow ease of access for collection trucks and direct access to drive areas. Straight-in or circular drives are encouraged to reduce truck maneuvering

problems. No parking or other obstructions shall be permitted in front of such containers and enclosures. Hours of operation for emptying such containers may be specified during the site plan review process.

~~(b) Exterior lighting adjacent to residential areas. Commercial, office, industrial and multi family development adjacent to residential areas shall comply with the following exterior lighting requirements:~~

~~(1) Illumination onto adjacent residential properties shall not exceed 0.5 foot candles.~~

~~(2) All lighting shall be cut off fixtures mounted at a maximum height of not more than twenty (20) feet to reduce glare.~~

~~(3) All lighting shall be set back a minimum of at least fifty (50) feet from the property line.~~

~~(e)~~(b) Hours of operation. Non-residential uses with after-hour deliveries or service for late-night customers can generate noise and light during evening hours which may adversely impact adjoining residences. When these activities occur on the side of a building site adjoining residences the hours of operation may be limited during the development approval process to any combination of hours between 7:00 a.m. and 11:00 p.m. ~~to either 7:00 a.m. to 11:00 p.m. or 7:00 a.m. to 9:00 p.m.~~ as determined on a case-by-case basis by the ~~current~~

~~planning division manager.~~ Planning Manager prior to issuance of any building permit for new construction or alteration; provided that in no event shall the Planning Manager limit the hours of operation to less than twelve consecutive hours. In the case of a rezoning, the ~~b~~Board of ~~c~~County ~~c~~Commissioners shall make the appropriate findings for such limitations.

~~(d)~~(c) Cross-access easements. All development except single-family residential and duplex uses, with parking lots or other direct access to a public road shall, as part of the development approval process, establish cross-access easements which provide for the internal connection of the parcel to adjacent parcels unless the county engineer makes a finding that such joint-access is not feasible or practicable based upon circumstances unique to the properties.

Section 5. Section 30.1234, Land Development Code of Seminole County, is hereby created to read as follows:

Sec. 30.1234. Outdoor Lighting Requirements.

(a) Exterior lighting requirements. All commercial, office, industrial and multi-family development shall comply with the following exterior lighting requirements:

(1) Light Spillage: Illumination onto adjacent properties shall not exceed 0.5 foot-candles.

(2) Height of lighting sources:

(A) All lighting on non-industrial zoned properties shall consist of cut-off fixtures mounted no higher than sixteen feet (16'). An exception to this requirement may be made if the applicant demonstrates that a greater height will not result in light spillage onto surrounding properties in excess of .5 foot-candles; provided however, that in no event shall lighting exceed a maximum height of twenty-five (25') feet on a parcel adjacent to property with a Residential Future Land Use designation or a residential zoning classification.

(B) Lighting on industrial zoned properties (except that located within two hundred feet (200') of residential property) shall consist of cut-off fixtures mounted no higher than twenty-five feet (25').

(C) On industrial property located within two hundred feet (200') of residential property, lighting shall be limited to cut off fixtures mounted no higher than sixteen feet (16'). An exception to this requirement may be made if the applicant demonstrates that a greater height will not result in light spillage onto surrounding properties in excess of .5 foot-candles.

(D) Lighting for football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, auto race tracks, horse race tracks or show arenas, and similar facilities may exceed the maximum height allowed herein

upon written authorization of the Development Review Manager.
Such authorization may only be granted upon a finding that a
greater height will not have a significant effect on the
citizens of Seminole County.

(3) Lighting setback: Outdoor lighting fixtures
shall be located no less than fifty feet (50') from any property
having a residential future land use designation or a
residential zoning classification.

(4) Shielding requirements: Unless an exemption is
granted by the Development Review Manager, outdoor lighting
fixtures shall be shielded in such a manner that no light is
emitted above a horizontal plane passing through the lowest
point of the light emitting elements, so that direct light
emitted above the horizontal plane is eliminated. An exemption
to this subsection may only be granted upon a finding that it
will not create an adverse effect on the citizens of Seminole
County.

(5) Underground wiring: Electric power lines serving
an outdoor light fixture shall be installed beneath the surface
of the ground unless it is determined by the Development Review
Manager that soil, topographical, or any other compelling
conditions, make the underground installation of such utility
lines unreasonable or hazardous.

(b) Approved Alternate Materials and Methods of Construction or Installation/Operation: The Development Review Manager may approve any lighting design, material, or method of installation or operation not specifically prescribed herein if he/she finds that:

(1) The alternative provides an approximate equivalence to the applicable requirements of this Section; and

(2) The alternative complies with the intent of this Section; or

(3) The alternative is necessary for the safety and security of people and property.

(c) Submission of Plans and Evidence of Compliance: An applicant for any permit required by Seminole County involving outdoor lighting fixtures must submit plans indicating how compliance with this Section will be accomplished. This submission shall include the following information:

(1) The location of all proposed or existing outdoor light fixtures on the property and the foot candle emissions of such fixtures onto any adjoining property; and

(2) A description of all outdoor light fixtures or other illuminating devices proposed for use on the property. The description should include, but is not limited to, catalog cuts by manufacturers and drawings; and

(3) Any other relevant information as may be reasonably required by Seminole County.

(4) The applicant may submit additional information, such as photometric data, to support use of the proposed lighting.

(d) Prohibited lights: The following lighting sources shall be prohibited:

(1) Laser lights or any similar high intensity light source which projects light above the horizontal plane of the light source.

(2) Flashing or animated lights located in or adjoining residential areas.

(e) Additional Requirements for Special Uses: Where permitted, light sources for the following special uses shall be designed and installed in accordance with the following requirements:

(1) Recreational Facilities. Lighting of outdoor recreational facilities such as football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, auto race tracks, horse race tracks or show areas and similar uses shall be fully shielded or designed with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

(2) Outdoor display lots. Lighting of outdoor display lots such as automobile sales lots, building material sales centers, garden centers and similar uses shall be fully shielded or provided with sharp cut-off capability, so as to minimize up-light, spill-light, or glare.

(3) Gasoline pump and drive-thru canopies. Light fixtures on the underside of gasoline pump and drive-thru canopies shall be recessed into the canopy ceiling so that the bottom of the fixture is flush with the canopy ceiling and is not visible from the horizontal plane.

(f) Applicability: This Section shall apply to all development except the following:

(1) Residences built as single-family or two-family dwelling units;

(2) Outdoor light fixtures installed on and in connection with facilities and land owned or operated by the federal government or the State of Florida, or any department, division, or agency thereof; and

(3) Outdoor light fixtures lawfully installed prior to the effective date of this Section, unless and until the property is rezoned or redeveloped (and the cost to retrofit existing outdoor light fixtures to achieve compliance with this Section is less than ten (10) percent of the total redevelopment cost).

In the event of a conflict between this Section and any other provision of this Code, the more restrictive requirement shall apply.

Section 6. Severability. If any Section or portion of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

Section 7. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Land Development Code and that the word "Ordinance" may be changed to "section," "article," or other appropriate word and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that sections 6, 7, and 8 shall not be codified.

Section 8. Effective Date. This Ordinance shall become effective upon filing a copy of this ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this _____ day of _____, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
DARYL G. MCLAIN, CHAIRMAN

KC/gn

10/31/02 5/2/03 8/25/03 1/5/04

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