

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Request authorization to schedule public hearings for 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

Agenda Date <u>9/09/03</u> Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

Authorize Planning and Development Director to schedule and advertise public hearings to consider amendments to the Seminole County Land Development Code, Chapter 2 - Definitions and Chapter 30 - Lighting Ordinance.

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 and grandfathering. The draft ordinance has been reviewed by various interest groups including the Development Advisory Committee and the Sustainable Community Advisory Council.

Reviewed by: Co Atty: <u>Kec</u> DFS: _____ Other: <u>JP MW</u> DCM: <u>SL</u> CM: <u>TL</u> File No. <u>cpdp02</u>
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The Planning Division is requesting authorization to advertise the ordinance for the following hearing dates:

Land Planning Agency – October 1, 2003

Board of County Commissioners (first hearing) – November 18, 2003

Board of County Commissioners (second hearing) – December 9, 2003

Attachments: Draft ordinance amending Chapter 30 – Lighting Ordinance

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 p~~Planning division ~~m~~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 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 maanager. In the case of a rezoning,~~

~~the bBoard of cCounty cCommissioners shall make the appropriate findings for such limitations by the Planning Manager at any time prior to issuance of a building permit for the site.~~

~~(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').

(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').

(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 an adverse 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 _____, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
DARYL G. MCLAIN, CHAIRMAN

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