

Item # VTB

**SEMINOLE COUNTY GOVERNMENT
LOCAL PLANNING AGENCY/PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Public hearing on the Wekiva Global Compliance Agreement—State Road 46 Scenic Corridor Outdoor Lighting Standards Ordinance

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Craig Shadrix **EXT.** 7343

Agenda Date <u>02/6/02</u> Regular <input type="checkbox"/> Consent <input 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"/>
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MOTION/RECOMMENDATION:

Staff recommends approval of the State Road 46 Scenic Corridor Outdoor Lighting Standards Ordinance, and will be prepared for questions and comments from the LPA/P&Z.

BACKGROUND:

The Wekiva Global Compliance Agreement and Vision 2020, policy FLU 14.7 required the creation of a scenic corridor overlay zoning district for State Road 46, which included lighting standards. The State Road 46 Scenic Corridor Overlay Zoning District was enacted by the BCC in May of this year. Staff has prepared the outdoor lighting standards for the State Road 46 Scenic Corridor Overlay as a separate ordinance that will require outdoor lighting that minimizes light pollution in the area. The ordinance was sent out to members of environmental interest groups and the Development Advisory Board on December 22, 2001. Subsequent meetings have taken place with both groups, and staff is prepared to discuss comments by these groups with recommendation.

Reviewed by: <u>RZC</u> Co Atty: _____ DFS: _____ Other: _____ DCM: _____ CM: _____ File No. _____
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EXECUTIVE SUMMARY

State Road 46 Scenic Corridor Outdoor Lighting Standards		Ordinance # 2002--
REQUEST		
APPLICANT	Seminole County	
PLAN AMENDMENT	Amending the State Road 46 Scenic Corridor to include outdoor lighting standards	
REZONING	overlay	
LOCATION	State Road 46 from intersection with Orange Boulevard to the Seminole/Lake County line.	
SPECIAL ISSUES	The Wekiva Global Compliance Agreement, and the Seminole County Comprehensive Plan(Vision 2020) require this amendment.	
BOARD DISTRICT	#5 – Comm. McLain	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION	<p>LDC AMENDMENT: Recommend approval of the State Road 46 Scenic Corridor Outdoor Lighting Standards ordinance with findings that the Ordinance, as proposed, would be:</p> <ol style="list-style-type: none"> 1. Consistent with the Wekiva Global Compliance Agreement; and 2. Consistent with the Future Land Use Element of the Seminole County Comprehensive Plan. 	

STAFF ANALYSIS

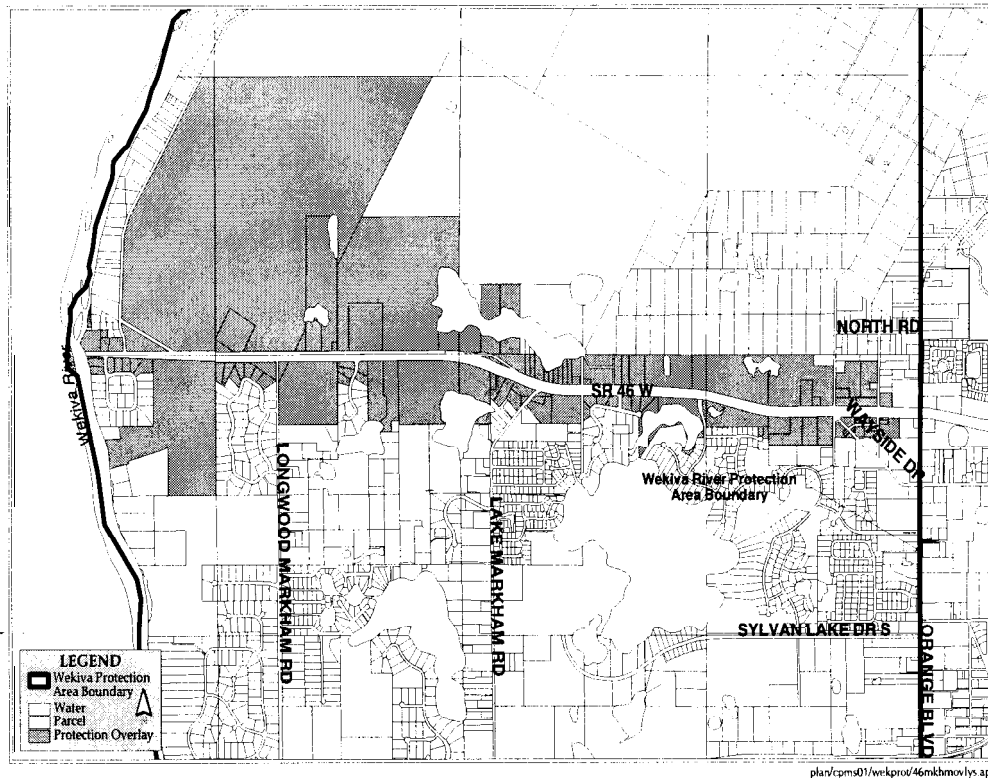
State Road 46 Scenic Corridor Outdoor Lighting Standards

**Ordinance #
2002--**

The State Road 46 Scenic Corridor Outdoor Lighting Standards ordinance reflects research of current outdoor lighting ordinances, ranging from Kennebunkport, Maine to Santa Fe, New Mexico. The focus on this Ordinance is guidance of the design and type of lighting that is conducive to both sound security and protection of the environment. Attached is a fact sheet on outdoor lighting. Staff is prepared to present a slide show demonstrating the differences between sound outdoor lighting and bad outdoor lighting. A comment that was received from one of the interest groups relating to availability of lighting types described in the ordinance. All of these types of lighting are available from a variety of vendors. Additionally, staff contacted Florida Power and Light regarding availability of full cut-off fixture lighting for street lighting.

Properties within the State Road 46 Scenic Corridor

Exhibit A Properties Within the Proposed State Road 46 Roadway Corridor Zoning Overlay



Properties Are Within the Wekiva River Protection Area

COMPREHENSIVE PLAN CONSISTENCY

The proposed Land Development Code amendment is required by the Wekiva Global Compliance Agreement and adopted Comprehensive Plan Policy FLU 14.7.

Policy FLU 14.7 State Road 46 Roadway Corridor Overlay/State Road 46 Environmental Considerations.

- A By December 31, 2000, the County shall enact land
- development regulations establishing an overlay zoning classification for that portion of State Road 46 within the Wekiva River Protection Area in Seminole County to maintain visual quality, provide a sense of place, protect the viability of wildlife corridors and improve/protect the rural character of the Protection Area. The development standards set forth in the overlay zoning classification shall establish, at a minimum, standards for:

- 1 Preservation, removal/replanting of canopy trees;
- 2 Landscaping and buffer requirements;
- 3 Clearing of native vegetation;
- 4 Signage and lighting;
- 5 Building setbacks and height restrictions;
- 6 Walls, fences, entrance features and similar structures;
- 7 Access management;
- 8 Location of parking;
- 9 Location of equipment storage; and
- 10 Location and design of retention ponds.

B The County shall support structural modifications to State Road 46 that provide permeability and allow for wildlife movement on appropriate road segments adjacent to Lower Wekiva River State Preserve.

STAFF RECOMMENDATION

LDC AMENDMENT: Recommend approval of Recreation land use with findings that Recreation land use, as proposed, would be:

1. Consistent with the Wekiva Global Compliance Agreement; and
2. Consistent with the Future Land Use Element of the Seminole County Comprehensive Plan.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; CREATING OUTDOOR LIGHTING STANDARDS FOR THE STATE ROAD 46 SCENIC CORRIDOR FROM THE RIGHT OF WAY LINE OF THE INTERSECTION OF ORANGE BOULEVARD TO THE SEMINOLE-LAKE COUNTY LINE; PROVIDING FOR A TITLE; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR COMPLIANCE WITH APPLICABLE CODES; PROVIDING DEFINITIONS; AUTHORIZING THE DEVELOPMENT REVIEW MANAGER TO APPROVE ALTERNATE MATERIALS AND MEANS OF INSTALLATION; PROVIDING SHIELDING REQUIREMENTS FOR LIGHT FIXTURES; REQUIRING FILTRATION OF METAL HALIDE FIXTURE LAMPS; PROVIDING STANDARDS FOR OUTDOOR ADVERTISING SIGN LIGHTING; DETAILING REQUIRED SUBMISSIONS OF OUTDOOR LIGHTING PLANS; PROHIBITING CERTAIN TYPES OF LIGHTING; PROVIDING FOR SPECIAL USES AND EXEMPTIONS; PROVIDING FOR APPEALS; PROVIDING GUIDELINES FOR CONFLICT OF LAWS; PROVIDING FOR VIOLATIONS AND ENFORCEMENT; 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 relating to this Ordinance 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, the SCCP requires the adoption of land development regulations establishing outdoor lighting standards for the scenic corridor on State Road 46 in order to protect the rural character of the Wekiva River Protection Area, and protect natural resources including wildlife corridors; and

WHEREAS, the Board of County Commissioners (BCC) finds and determines that the provisions of this Ordinance meet the aforesaid SCCP requirements.

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

Section 1. Title. This Ordinance shall be known and may be cited as the "State Road 46 Scenic Corridor Outdoor Lighting Standards Ordinance".

Section 2. Legislative Findings. The following findings are hereby adopted as legislative findings by the Board of County Commissioners:

(a) The SCCP provides for the protection and maintenance of the rural landscape and community character of the State Road 46 Corridor within the Wekiva River Protection Area.

(b) The visual character of the landscape defines the rural landscape and community character of the State Road 46 Corridor within the Wekiva River Protection Area.

(c) The rural landscape and community character of the State Road 46 Corridor within the Wekiva River Protection Area is an important resource that contributes to the quality of life of Seminole County.

(d) Agricultural activities in the State Road 46 Corridor within the Wekiva River Protection Area are an important historical, cultural and economic resource that contributes to the quality of life of Seminole County.

(e) The character, location and distribution of uses and structures along major and minor roadways in the State Road 46 Corridor within the Wekiva River Protection Area defines the visual character of the State Road 46 Corridor within the Wekiva River Protection Area.

(f) The State Road 46 Corridor within the Wekiva River Protection Area contains valuable habitat and wildlife corridors, linking areas north of State Road 46 with other natural areas to the south.

Section 3. Purpose and Intent. The purpose of this Ordinance is to insure that the designated State Road 46 Scenic ---Corridor Outdoor Lighting Standards are developed in a manner which:

(a) Provides uniform design standards to establish high quality development that is rural in character; and

(b) Does not disturb residents, disrupt agricultural uses, repel or disrupt movement patterns of wildlife, or otherwise detract from the Wekiva River area's special status as a wild and scenic resource in Seminole County; and

(c) Encourages, through the regulation of the types, kinds, construction, installation, and uses of outdoor electrically powered illuminating devices, lighting practices and systems which conserve energy (and enhance nighttime enjoyment of property within the State Road 46 Scenic Corridor)

without decreasing safety, utility, security, and productivity;
and

(d) Provides for safety of homes and businesses and other institutions; and

(e) Maintains the State Road 46 Scenic Corridor in accordance with the provisions set forth herein; and

(f) Preserves the rural character and ecological integrity of the entranceway into the State Road 46 Corridor within the Wekiva River Protection Area; and

(g) Implements, and is consistent with, the Comprehensive Plan of Seminole County.

Section 4. Applicability. This Ordinance shall apply to all new single family residential development of three (3) dwelling units or more, but not to single family residences built as a single or double unit development, except as may be otherwise be provided for in this Ordinance, within the State Road 46 Scenic Corridor as defined by adopted Ordinance 2001-27 including, but not limited to (to the extent permitted by law) development undertaken by agencies of local, regional, State, or Federal government, shall be carried out in accordance with this Ordinance, as well as any other applicable provision(s) of the Seminole County Land Development Code.

Section 5. Conformance with Applicable Codes. All outdoor electrically powered illuminating devices shall be installed in

conformance with the Land Development Code, the Building Code, the Electrical Code, and the Sign Code of Seminole County as applicable, and under appropriate permit and inspection.

Section 6. Definitions. As used in this Ordinance, certain words and phrases used in this Chapter shall mean the following:

"Filtered" - means any outdoor light fixture which has a glass, acrylic, or translucent enclosure of the light source

"Fully shielded" - means outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

"Installed" - means the attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

"Lighting" - means any form or source of man-made illumination.

"Outdoor light fixture" - means outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search-, spot-, and floodlights for:

(a) buildings and structures;

(b) recreational areas;

- (c) parking lot lighting;
- (d) landscape lighting;
- (e) billboards and other signs (advertising or other);
- (f) street lighting;
- (g) product display area lighting;
- (h) building overhangs and open canopies.

"Partially shielded" - means outdoor light fixtures shielded or constructed so that no more than ten (10) percent of the light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

"Person" - means any individual, tenant, lessee, owner, or any commercial entity including, but not limited to, a firm, business, partnership, joint venture or corporation.

Section 7. Approved Materials and Methods of Construction or Installation/Operation. The provisions of this Ordinance are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed herein, provided any such alternate has been approved by the Development Review Manager. The Development Review Manager may approve any such proposed alternate providing he/she finds that it:

- (a) Is the approximate equivalent of the lighting methods specifically authorized by this Ordinance;

(b) Is otherwise satisfactory and complies with the intent of this Ordinance; or

(c) Has been designed or approved by a registered professional engineer, and the content and function of the alternate promotes the intent of this Ordinance.

Section 8. Shielding. All nonexempt outdoor lighting fixtures shall have shielding as required by Table 1 of this Ordinance.

Table 1 Shielding Requirements	
Fixture Lamp Type	Fully Shielded
Low pressure sodium ¹	Partially
High pressure sodium	Prohibited except fully shielded on arterial streets and collector streets of 100 ft or more in right of way width.
Metal halide	Prohibited ⁴
Fluorescent	Fully'
Quartz ²	Prohibited
Incandescent greater than 160 watt	Fully
Incandescent 160 watt or less	None
Any light source of 50 watt or less	None
Glass tubes filled with neon, argon, krypton	Prohibited
Other sources	As approved by the Development Review Manager

Table Footnotes:

1. This is the preferred light source to minimize undesirable light emission into the night sky affecting astronomical observations. Fully shielded fixtures are preferred but not required

2. For the purposes of this Ordinance, quartz lamps shall not be considered an incandescent light source.

3. Warm white and natural lamps are preferred to minimize detrimental effects

4. Fully shielded and installed metal halide fixtures shall be allowed for applications where the designing engineer deems that color rendering is critical.

Section 9. Filtration. Metal halide fixture lamp types shall be filtered (quartz glass does not meet this requirement).

Section 10. Outdoor Advertising Signs.

Sec 10.1. Top Mounted Fixtures Required. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of Section 8.

Sec. 10.2. Compliance Limit. Existing outdoor advertising structures shall be brought-into conformance with this Ordinance within three years from the date of adoption of this provision.

Sec._10.3. Prohibitions. Illumination of outdoor advertising off-site signs between the hours of 10:00 p.m. and sunrise is prohibited.

Section 11. Submission of Plans and Evidence of Compliance with Ordinance-Subdivision Plats.

Sec 11.1. Submission Contents. The applicant for any permit required by the regulations of Seminole County in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this Ordinance will be ensured. This submission shall include, but is not limited to, the following:

(a) Plans indicating the location of lighting on the premises;

(b) A description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices proposed for use on the premises. The description should include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);

(c) Photometric data, such as that furnished by manufacturers, or similar showing the angle of cutoff or light emissions from the proposed lighting.

The applicant may submit additional data to support use of the proposed lighting such as certified reports of relevant tests, provided that these tests shall have been performed and certified by a recognized testing laboratory.

Sec. 11.2. Subdivision Certification. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final developer's commitment agreement shall contain a statement certifying that the applicable provisions of this Ordinance will be adhered to.

Sec 11.3. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Development Review Manager for his approval, together with adequate information to assure compliance with

this Ordinance, which must be received prior to substitution of the light fixture or source.

Section 12. Prohibitions.

Sec 12.1. Mercury Vapor Lamps Fixtures and Lamps. The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.

Sec 12.2. Certain Other Fixtures and Lamps. The use of any low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz or incandescent outdoor lighting fixture or lamp the use of which is not allowed by Table 1 is prohibited.

Sec 12.3. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.

Sec 12.4. Searchlights. The operation of searchlights for advertising purposes is prohibited.

Section 13. Special Uses.

Sec 13.1. Recreational Facilities. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, auto race tracks, horse race tracks or show areas, provided all of the following conditions are met:

(a) All fixtures used for lighting shall be fully shielded as defined in Section 8 of this Ordinance, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

(b) All events, with the exception of special events as defined by the Seminole County Code, shall be scheduled so as to complete all activity before or as near to 10:00 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 10:00 p.m.

except to conclude a scheduled event that was in progress prior to 9:00 p.m.

Sec. 13.2. Outdoor Display Lots. Any light source permitted by this Ordinance may be used for lighting of outdoor display lots such as, but not limited to landscape nurseries, or building material sales centers, provided that such lighting shall be fully shielded as defined in Section 8 of this Ordinance, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, or glare.

Section 14. Other Exemptions.

Sec 14.1. Nonconformance. All other outdoor light fixtures lawfully installed prior to, and operable on, the effective date of this Ordinance are exempt from all requirements of this Ordinance except those regulated in Section 10, Sections 12.3 and 12.4, and in Section 13. There shall be no change in use or

lamp type, or any replacement or structural alteration made, without conforming to all applicable requirements of this Ordinance.

Sec 14.2. State and Federal Facilities. Outdoor light fixtures installed on, and in connection with those facilities and land owned or operated by the Federal government or the State of Florida, or any department, division, or agency thereof, are exempt from all requirements of this Ordinance. Voluntary compliance with the intent of this Ordinance at those facilities is encouraged.

Section 15. Appeals. Any person substantially aggrieved by a decision of the Development Review Manager made in administration of this Ordinance has the right and responsibilities of appeal to the Board of Adjustment.

Section 16. Law Governing Conflicts. Where any applicable provision of Federal, State, County, or City statutes, codes, or laws conflicts with any provision of this Ordinance, the most restrictive shall govern unless otherwise regulated by law.

Section 17. Violation. It shall be a civil infraction for any person to violate any of the provisions of this Ordinance. Each and every day during which the violation continues shall constitute a separate violation.

Section 18. Enforcement and Penalty.

Sec 18.1.

(a) When a violation of this Ordinance is determined, the following penalty shall be imposed:

(1) A fine of not less than FIFTY AND NO/100 DOLLARS (\$50.00) nor more than FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) per violation. The imposition of a fine under this Ordinance shall not be suspended.

(2) Any other order deemed necessary in the discretion of the hearing-officer, including correction or abatement of the violation.

(b) Failure of a violator to comply with any order issued in accordance with this Ordinance shall result in an additional fine of not less than FIFTY AND NO/100 DOLLARS (\$50.00) nor more than FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) for each day the defendant fails to comply.

Section 19. Severability. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of proper jurisdiction to be unconstitutional, inoperative or void, such section, paragraph, sentence, clause, phrase or word may be severed from this Ordinance and the balance of this Ordinance shall not be affected thereby.

Section 20. 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 19, 20, and 21 shall not be codified.

Section 21. 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 _____, 200__.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
DARYL G. MCLAIN, CHAIRMAN

KZC/gn

1/30/02

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