

Volusia County Lighting Ordinance

DIVISION 12. SEA TURTLE PROTECTION*

Article III. Land Development Regulations

Chapter 72 Land Planning

Part II Code of Ordinances

County of Volusia, Florida

*Code reference--Environmental protection standards relating to protection of sea turtles, § 50-241 et seq.

Sec. 72-921. Purpose and intent.

The purpose of this division is to protect the threatened and endangered sea turtles which nest along the beaches of Volusia County, Florida, and to encourage sea turtle nesting on Volusia County beaches by minimizing the artificial light on the beaches.

(Ord. No. 90-22, § III, 5-17-90; Ord. No. 2008-25, § III, 12-4-08)

Sec. 72-922. Sea turtle nesting areas.

Sea turtles nest or are likely to nest in an area of the beach from the Volusia/Flagler County line south to the Volusia/Brevard County line.

The above-described nesting areas are regulated as provided in this division. Provided, however, that this division shall not apply to any nesting areas of any incorporated areas of Volusia County which have adopted the standards contained in division 6, Minimum Environmental Standards for Sea Turtle Protection in Volusia County Ordinance No. 88-15, as amended [chapter 50, article III, division 6, Code of Ordinances].

(Ord. No. 90-22, § III, 5-17-90; Ord. No. 98-24, § I, 12-3-98; Ord. No. 99-13, § I, 6-17-99; Ord. No. 2008-25, § III, 12-4-08)

Sec. 72-923. Lighting standards for new development.

- (a) It is the policy of the county to minimize artificial light illuminating the entire coastal beach of the county, and said lighting for new development shall be regulated as provided in this section. To meet this intent, building and electrical plans and the construction of single-story or multistory buildings or structures, signs, commercial or other structures, including electrical plans associated with parking lots, dune walkovers or other artificial lighting for real property within the incorporated and unincorporated regulated boundaries shall be in compliance with the following:
- (1) Light fixtures shall be designed, positioned, shielded or otherwise modified such that the source of light and any reflective surfaces of the fixture shall not be directly visible by a person who is in a standing position on the beach.

- (2) Lights shall not directly or indirectly illuminate the beach during the sea turtle nesting season.
 - (3) Tinted glass, or any window film applied to window glass which meet the shading criteria for tinted glass, shall be installed on all windows of single- or multistory buildings or structures within line of sight of the beach in the regulated boundaries.
 - (4) Lights illuminating signs shall be shielded or screened such that they do not illuminate the beach and the source of the light shall not be visible by a person who is in a standing position on the beach.
- (b) The provisions of this section, as amended, shall not apply to any structures for which a building permit has been issued prior to adoption of this division. Otherwise, existing development shall comply with section 72-924.

(Ord. No. 90-22, § III, 5-17-90; Ord. No. 95-30, § I, 8-24-95; Ord. No. 98-24, § II, 12-3-98; Ord. No. 99-13, § II, 6-17-99; Ord. No. 2008-25, § III, 12-4-08)

Sec. 72-924. Lighting standards for existing development.

- (a) It is the policy of the county council to minimize artificial light illuminating the entire coastal beach of the county. To meet this intent, artificial lighting within the regulated boundaries where there are existing buildings, structures or signs within the line of sight of the beach, shall be in compliance with the following by July 1, 1999:
- (1) Light fixtures shall be designed, positioned, shielded or otherwise modified such that the source of light and any reflective surfaces of the fixture shall not be visible by a person who is in a standing position on the beach.
 - (2) Lights shall not directly or indirectly illuminate the beach during the sea turtle nesting season.
 - (3) Lights illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened such that they do not illuminate the beach and the source of the light shall not be visible by a person who is in a standing position on the beach, or said lights shall be turned off during the sea turtle nesting season.
 - (4) Lights illuminating dune crosswalks of any area oceanward of the dune line shall comply with subsections (1) or (2) above during the sea turtle nesting season.
 - (5) Lights illuminating signs shall be shielded or screened such that they do not illuminate the beach and the source of the light shall not be visible by a person who is in a standing position on the beach, or said lights shall be turned off during the sea turtle nesting season.
 - (6) The following measures shall be taken to reduce or eliminate the negative effect of interior lights illuminating from doors and windows within the line of sight of the beach in the regulated boundaries:
 - a. Apply window tint or film that meets the standard for tinted glass;
 - b. Rearrange lamps and other moveable fixtures away from windows;

- c. Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach; and
 - d. Turn off unnecessary lights.
- (7) Local governments shall develop and implement a public education program, primarily directed towards encouraging the management of interior lighting for single and multistory buildings or structures.

(Ord. No. 90-22, § III, 5-17-90; Ord. No. 95-30, § II, 8-24-95; Ord. No. 98-24, § III, 12-3-98; Ord. No. 99-13, § III, 6-17-99; Ord. No. 2008-25, § III, 12-4-08)

Sec. 72-925. Publicly owned lighting.

- (a) Streetlights and lighting at parks and other publicly owned beach access areas located within the incorporated or unincorporated regulated boundaries shall be in compliance with the following by July 1, 1999:
 - (1) Streetlights, and lighting at parks or other publicly owned beach access points shall be designed, positioned, shielded or otherwise modified such that they shall not illuminate the beach and the source of the light shall not be visible by a person who is in a standing position on the beach.
- (b) Specifically exempted from the terms of this division are lights which are aids to navigation, motion sensors and traffic control devices.

(Ord. No. 90-22, § III, 5-17-90; Ord. No. 95-30, § II, 8-24-95; Ord. No. 98-24, § IV, 12-3-98; Ord. No. 99-13, § IV, 6-17-99; Ord. No. 2008-25, § III, 12-4-08)

Sec. 72-926. Application review.

- (a) Any permit applied for under this division may be processed concurrently with development order review under divisions 2 or 3 of this article as the case may be, [and] then it shall be filed as part of the development order review application.
- (b) Except as provided above, an application for a permit may be filed without development order review. It shall be processed in the manner required by the appropriate [regulations], including but not limited to, building or electrical code in conformity with this article.

(Ord. No. 90-22, § III, 5-17-90; Ord. No. 2008-25, § III, 12-4-08)

Sec. 72-927. Reserved.

Editor's note: Section I of Ord. No. 99-17, adopted June 17, 1999, repealed § 1207 in its entirety. Formerly, § 1207 pertained to the method of determining compliance with the sea turtle protection ordinance and derived from § IV of Ord. No. 95-30, adopted Aug. 24, 1995 and § V of Ord. No. 98-24, adopted Dec. 3, 1998, which has further been renamed section 72-927 by Ord. No. 2008-25, § III, adopted Dec. 4, 2008.

(Ord. No. 2008-25, § III, 12-4-08)

Sec. 72-928. Standards for community redevelopment areas.

Notwithstanding any other provisions of sections 72-923 through 72-925 of this Volusia County Land Development Code Ordinance No. 88-3, as amended, the provisions of this section shall apply to lighting in the core area of the community redevelopment area, whether such lighting is in new or existing developments. The term "core area of the community redevelopment area" means that area within the regulated boundaries in the City of Daytona Beach bounded by 50 feet north of the centerline of Butler Street on the north and 200 feet south of the centerline of Main Street on the south.

- (1) It is the policy of the county to minimize artificial lighting illuminating the entire coastal beach of the county. To meet this intent, artificial lighting within the core area of the community redevelopment area shall be in compliance with the following provisions:
 - a. Light fixtures shall be designed, positioned, shielded, or otherwise modified such that the source of light shall not be visible by a person who is in a standing position on the beach.
 - b. Lights shall not directly or indirectly illuminate the beach during the sea turtle nesting season except, in order to insure public safety, spillover and reflective lighting onto the beach will be permitted to the extent necessary to meet the minimum safe lighting standards for particular property uses as published in the *IES Lighting Handbook* by the Illuminating Engineering Society of North America.
 - c. Lights illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened such that they do not illuminate the beach except, in order to insure public safety, spillover and reflective lighting onto the beach will be permitted to the extent necessary to meet the minimum safe lighting standards for particular property uses as published in the *IES Lighting Handbook* by the Illuminating Engineering Society of North America and the source of the light shall not be visible by a person who is in a standing position on the beach, or said lights shall be turned off during the sea turtle nesting season.
 - d. Lights illuminating signs shall be shielded or screened such that they do not illuminate the beach and the source of the light shall not be visible by a person who is in a standing position on the beach, or said lights shall be turned off during the sea turtle nesting season.
 - e. Interior lights that are shielded by tinted glass or by window tint that meets the standards for tinted glass shall be permitted, whether or not the source of such light or its reflective surface is visible from the beach.
 - f. True red neon light (tubular lamps containing neon gas) or fiber optic light may be used for signage or decorative purposes, whether or not the source of such light is visible by a person standing on the beach.

(Ord. No. 99-13, § V, 6-17-99; Ord. No. 2008-25, § III, 12-4-08)

Sec. 72-929. Relation to Endangered Species Act.

- (a) This article is adopted for the purpose of implementing the provisions of section 202.4 of the Charter to provide protection for sea turtles as a matter of local policy. It is the intent of the county that this division be consistent with, and in furtherance of, the provisions of the Endangered Species Act, 16 U.S.C. §§ 1531 through 1544, and that it satisfy any obligation the county may have under the Act to prevent harm to sea turtles by its election to adopt this regulation. There are no definitive federal standards regarding artificial lighting. The county has used as a guide the state's model lighting ordinance; followed the nesting season dates established by the state; and sought the advice of appropriate federal officials and subject matter experts.
- (b) As an alternative to compliance with the terms of this division, a local government or person may adhere to: (a) a lighting plan approved in writing by the United States Fish and Wildlife Service as likely to prevent harm to sea turtles; or (b) the conditions of a permit issued under federal law authorizing the taking of sea turtles for an otherwise lawful activity.
- (c) Nothing in this division shall be construed to authorize or license any act prohibited by the Endangered Species Act. Artificial lighting not otherwise regulated by this division which may be in violation of the Endangered Species Act, may be reported to the United States Department of Interior, Fish and Wildlife Service, for resolution and enforcement under federal law.

(Ord. No. 99-13, § VI, 6-17-99; Ord. No. 2008-25, § III, 12-4-08)

Definitions (only the definitions pertinent to this article appear here)

Artificial lighting: Any source of temporary, fixed or movable light emanating from a manmade device, including, but not limited to, incandescent mercury vapor, metal halide, or sodium lamps, spotlights, streetlights, construction security lights or lights which illuminate signs. This definition shall not include handheld or vehicular lighting.

Beach: Means lands and waters lying seaward of the seawall or line of permanent vegetation and within three miles seaward of the mean low-water mark.

Directly illuminating: Illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is visible to a person who is in a standing position on the beach.

Existing development means a building or structure for which a building permit has been issued prior to the adoption of this article.

Fixture: The device that holds, protects and provides the optical system and power connections for a lamp.

Indirectly illuminating: Illuminated as a result of the glowing element(s), lamp(s), globe(s) or reflector(s) of an artificial light source which is not visible to a person who is in a standing position on the beach.

Lamp: The source of light within a luminaire.

Low-profile luminaire: Light fixture set on a base which raises the source of the light no higher than 48 inches off the ground, and designed in such a way that light is directed downward from a hooded light source.

Luminaire: A complete unit that artificially produces and distributes light. An artificial light source, including fixture, ballast, mounting and lamp(s).

Nest: An area where sea turtle eggs have been naturally deposited or subsequently relocated.

Nesting season: The period from May 1 through October 31 of each year.

Pole lighting: Light fixture set on a base or pole which raises the source of the light higher than 48 inches off the ground.

Regulated boundaries: The area between the Atlantic Ocean and the westerly boundary of any lots or parcels that abut the westerly right-of-way line of State Road A1A, from the Flagler/Volusia County line south to Dunlawton Avenue in Daytona Beach Shores; from Atlantic Avenue south to Ponce DeLeon Inlet; from the northern limits of Peninsula Avenue south to Riverview Place; and from Atlantic Avenue south to Canaveral National Seashore. Said boundaries shall also include any docks, piers or other structures projecting into the Atlantic Ocean.

Sea turtles: Any specimen belonging to the species *Caretta caretta* (loggerhead turtle), *Chelonia mydas* (green turtle), *Dermochelys coriacea* (leatherback turtle), or any other marine turtle using Volusia County beaches as a nesting habitat.

Sign: Any surface, fabric, device or display that is designated to advertise, inform, identify or to attract the attention of persons. For the purpose of this article, the term "sign" shall include all structural parts.

Tinted glass: Any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.