

# Scenic Watch



Covering  
News From  
Nov  
2017

Legal Alert: Tree trimming  
preemption  
"Steube files bill to abolish city  
and county tree protections"



Photo: Herald Tribune

The Bills in Senate and House:



Fun Festivals  
and Events

Central

Nov 20-Jan 1  
Space Coast Light Fest,  
Melbourne  
Nov 21-Jan 7

<https://www.flsenate.gov/Session/Bill/2018/00574>  
<https://www.flsenate.gov/Session/Bill/2018/521>

"City and county rules protecting trees are the next battleground in the rolling fight between local governments and the Florida Legislature over local regulations viewed by critics as too onerous.

The Legislature has tried to prevent cities and counties from adopting new regulations governing everything from lawn fertilizer to short-term vacation rentals in recent years. Now state Sen. Greg Steube, R-Sarasota, is taking aim at tree ordinances, saying rules limiting the trimming and removal of trees infringe on property rights.

**Steube's bill would prohibit local governments from regulating the 'trimming, removal, or harvesting of tree and timber on private property.' That would nullify dozens of tree ordinances across the state. Only the state Legislature would be able to regulate trees.**

'I think you've seen a lot of instances where local governments are, in my opinion, going way above and beyond what they should be doing,' said Steube, who also has been behind the push to limit local regulations of short-term vacation rentals.

The tree bill, SB 574, was inspired by complaints Steube heard from property owners and the building industry, along with his own personal experience.

Steube built a three-car garage with a mother-in-law suite on his 5.3-acre property east of Interstate 75 in unincorporated Sarasota County. The project, completed in May 2014, required clearing roughly an acre of land and cutting down a number of trees.

Steube was surprised to learn he needed a permit to cut down the trees.

'The guy came out and said you have to get a tree permit,' Steube said. 'I'm like a tree what? You've

ICE! at Gaylord Palms  
Resort, Kissimmee  
Nov 25-Dec 30  
Snowing Nightly,  
Celebration  
Nov 27-Jan 2  
A December to  
Remember, Daytona  
Beach  
Nov 30-Dec 3  
St Petersburg Power and  
Sailboat Show, St  
Petersburg  
Dec 1  
Tampa's Tree Lighting  
Ceremony, Tampa  
Dec 1  
Christmas in the Square,  
Sanford  
Dec 1  
Downtown DeLand  
Merchant Holiday Open  
House, DeLand  
Dec 1-3  
Sarasota Craft Show,  
Sarasota  
Dec 1-3  
Gem, Jewelry and Bead  
Show, Sarasota  
Dec 2  
Central Florida Winter  
Festival, Eustis  
Dec 2  
Daytona Beach Christmas  
Boat Parade, Daytona  
Beach  
Dec 2  
New Smyrna Beach  
Christmas Parade, New  
Smyrna Beach  
Dec 2  
Sunset and Symphony  
Holiday Concert, Lake  
Wales  
Dec 2  
69th Annual Downtown  
DeLand Christmas Parade,  
DeLand  
Dec 2  
Ye Olde Hometown  
Christmas Parade, Winter  
Park  
Dec 2  
Sanford Historic Trust  
Tour of Homes, Sanford  
Dec 2

got to be kidding me right?'

There was no difficulty in obtaining the permit, but Steube still found the county's tree ordinance to be onerous. He was particularly annoyed that he had to pay thousands of dollars to haul the debris away because the county would not allow it be buried onsite. His bill allows onsite burial of such debris on properties that are 2.5 acres or larger.

After his garage project, Steube said he met with every member of the county commission - all of them Republicans - to complain about the ordinance. They listened sympathetically but did not take action, he said.

Steube has heard similar complaints about tree ordinances from other property owners in recent years and has been approached by people in the development community about tree regulations. One of them was Jon Mast, CEO of the Manatee-Sarasota Building Industry Association.

The city of Sarasota's tree ordinance, revised last year, has been a particular concern for Mast's group.

'I think it's a good bill,' Mast said of Steube's legislation. 'I know cities and counties are going to cry 'home rule' but there is a lot of overreach, especially in the city of Sarasota, about what you can or cannot do with your own trees on your own property.'

The city's tree ordinance requires property owners to get a permit when removing or relocating most trees beyond a certain size. Property owners must meet certain criteria to cut down a tree. Some of the accepted reasons for removing a tree: It is dead, it is threatening a structure, it is preventing development of the property and there are no reasonable alternatives. Larger 'grand' trees have more protection. In many cases, when a tree is removed for development purposes there also is a requirement that mandates new trees to be planted

Christmas Parade, Mount Dora  
Dec 2  
Lighted Boat Parade, Mount Dora  
Dec 2  
Santa Fest and Christmas Parade, Tampa  
Dec 2-3  
Siesta Beach Seafood and Music Festival, Siesta Key  
Dec 3  
Cookies, Carols and Crafts Workshop, Tampa Bay  
Dec 3  
Festivals of Speed, Orlando  
Dec 3  
Port Orange Christmas Parade, Port Orange  
Dec 7  
Christmas in the Park, Winter Park  
Dec 8-10  
Wine and Chocolate Festival, Clermont  
Dec 8-9  
Candlelight Tours of Fort Foster, Thonotosassa  
Dec 8-9, 15-16  
Winter Waterland, Weeki Wachee State Park  
Dec 9  
Hillsborough River Half and Quarter Marathon, Hillsborough River State Park  
Dec 9  
Christmas in the Park with Snow, Mount Dora  
Dec 9  
Parade of Lights, Sanford  
Dec 9  
Main Street Holidays, New Port Richey  
Dec 9-10  
Lido Beach Holiday of the Arts, Lido Beach  
Dec 10  
Holiday Tour of Homes, Ormond Beach  
Dec 16  
Cruisin' Downtown DeLand Classic Car Show, DeLand  
Dec 16  
Snow Fest, Maitland

or the property owner pay into a 'replacement tree fund.'

Facing backlash from development interests, the city of Sarasota is taking a fresh look at the tree ordinance. A new committee has been created to revisit the regulations.

City Commissioner Hagen Brody said he wants an ordinance that 'strikes a more appropriate balance that protects a homeowner's property rights and also preserves our community's unique natural environment.'

But the prospect of the Legislature nullifying local tree regulations and preempting tree oversight to the state is likely to provoke a strong response from local government leaders and environmental groups.

**'This is not a one-size-fits-all issue,' said City Commissioner Jen Ahearn-Koch, who opposes Steube's bill. 'You have to get down to the granular little detail. It's different in every community, every neighborhood, even every street and site.'**

Ahearn-Koch has spent years working on the city's tree rules. She said the ongoing debate over the regulations is a good thing.

'It shows we're passionate about it,' she said. 'If anything, it illustrates why it's important these things be handled on the local level.'

The Florida Association of Counties and the Florida League of Cities are gearing up to try to defeat the legislation.

After sending out an alert about Steube's bill to her membership, Craigin Mosteller with the Florida Association of Counties said she heard a strong response from county leaders about the benefits of tree protection, including preventing flooding on adjacent properties, protecting wildlife and making

Dec 16-17  
Holiday of the Arts, St Petersburg  
Dec 21-23  
Next Generation Ballet's Nutcracker, Tampa  
Dec 21-24  
The Nutcracker, Orlando  
Dec 30  
Florida Citrus Parade, Orlando  
Dec 30-31  
Flagler Beach Art and Craft Festival, Flagler Beach

## South

Nov 19-Jan 1  
Festival of Lights at Fishermen's Village, Punta Gorda  
Dec 1  
Florida Keys Holiday Festival, Islamorada  
Dec 1-2  
Luminary Festival, Sanibel and Captiva  
Dec 2  
Snowfest, Naples  
Dec 2  
Fort Myers Beach Christmas Boat Parade, Fort Myers Beach  
Dec 2  
Christmas Boat Parade, Venice  
Dec 2  
Food, Wine and Beer Festival, Naples  
Dec 2-3  
Winter Fine Arts Festival, Englewood  
Dec 2-31  
Annual Christmas Light Canal Tours, Punta Gorda  
Dec 3  
JM Lexus Sunday Jazz Brunch, Fort Lauderdale  
Dec 3  
Christmas Tree Lighting at Whitehall, Palm Beach  
Dec 6-10  
Red Dot Fair, Miami  
Dec 7

neighborhoods more attractive... "

--Zac Anderson, Herald Tribune

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## Florida League of Cities: Oposse state's tree control preemption



"SB 574 (Steube) and HB 521 (Edwards) preempt to the state the trimming, removal or harvesting of trees and timber on private property, and prohibit local governments from restricting these activities on private property. The bills also prohibit local governments from imposing mitigation requirements (including fees or tree planting) for the removal or harvesting of trees. Lastly, the bills prohibit a local government from prohibiting the burial of trees or vegetative debris on properties larger than 2.5 acres."

--Florida League of Cities, Inc.

The Happy Thrifter  
Mystery Shopping Bus  
Tour, Venice  
Dec 7-10  
Art Basel Miami Beach,  
Miami Beach  
Dec 8  
Boynton and Delray Beach  
Holiday Boat Parade,  
Boynton Beach  
Dec 9  
The Seminole Hard Rock  
Winterfest Boat Parade,  
Fort Lauderdale  
Dec 9  
Holiday Boat Parade, Key  
Largo  
Dec 9  
Gingerbread and Sugar  
Plums Holiday Tea at The  
Ritz-Carlton, Naples  
Dec 12  
Carol of the King the Irish  
Dance Christmas  
Spectacular, Bonita  
Springs  
Dec 12, 14-16  
Holiday Pops Concerts,  
Fort Myers  
Dec 13-17  
Spectacular Christmas  
Revue, Cape Coral  
Dec 19-23  
Flagler Museum Holiday  
Evening Tours, Palm  
Beach  
Dec 21  
Morada Way ArtWalk,  
Islamorada  
Dec 27-28  
Key West Home Tours,  
Key West  
Dec 31  
New Year's Eve Drop  
Celebrations, Key West  
Dec 30-31  
Coconut Point New Year's  
Weekend Art Festival,  
Estero

## North

Nov 18-Jan 31  
Nights of Lights Festival

[Visit Florida League of Cities for the Legislative Bulletin](#)

## "The Switch to Outdoor LED Lighting Has Completely Backfired"



Photo: NASA/JSC

"To reduce energy consumption, many jurisdictions around the world are transitioning to outdoor LED lighting. But as new research shows, this solid-state solution hasn't yielded the expected energy savings, and potentially worse, it's resulted in more light pollution than ever before.

Using satellite-based sensors, an international team of scientists sought to understand if our planet's surface is getting brighter or darker at night, and to determine if LEDs are saving energy at the global scale. With the introduction of solid-state lighting—such as LEDs, OLEDs, and PLEDs—it was thought (and hoped) that the transition to it from conventional lighting—like electrical filaments, gas, and plasma—would result in big energy savings. According to the latest research, however, the use of LEDs has resulted in a 'rebound' effect whereby many jurisdictions have opted to use even more light owing to the associated energy savings.

Indeed, as the new results show, the amount of outdoor lighting around the world has increased

and Celebration, St Augustine  
Dec 1-24  
Festival of Lights, White Springs  
Dec 2  
HC Holiday Market, Jacksonville  
Dec 2  
Winter Festival, Tallahassee  
Dec 2, 9 and 16  
Santa's Storybook Tea Party, Amelia Island  
Dec 2-3  
Market Days, Tallahassee  
Dec 3  
Annual Garden Club Christmas Tour of Homes, St Augustine  
Dec 8  
Holiday Pops! Concert, Niceville  
Dec 9  
Holiday Cookie Tour of Inns, Amelia Island  
Dec 9  
Santa Paws, Jacksonville  
Dec 9  
Artrageous Artwalk, Fernandina Beach  
Dec 9  
Holiday Magic, Tallahassee  
Dec 10  
Holiday Traditions A Musical Celebration, Gainesville  
Dec 13, 20  
Destin Magic Dinner Theater, Destin  
Dec 16  
The Holiday Gala, Jacksonville  
Dec 16  
Winter Wonder Ride, Pensacola  
Dec 31  
Under the Sea - New Years Eve, Jacksonville  
Dec 31  
New Year's Eve Beach Ball Drop, Panama City Beach

[For many more events and](#)

during the past several years. 'As a result, the world has experienced widespread 'loss of the night,' with half of Europe and a quarter of North America experiencing substantially modified light-dark cycles,' write the researchers in the new study, which was published today in Scientific Advances.

This conclusion was reached after analyzing high-resolution images collected by the Day-Night-Band (DNB) instrument that's onboard the Suomi NPP weather satellite. This sensor features a spatial resolution of 2,460 feet (750 meters), and can 'see' light in the range of 500-900 nm (humans see in the range 400-700 nm). Traditional lamps emit some infrared that the DNB can detect, and LEDs produce a lot of blue light that the sensor cannot see. So as cities transition their outdoor lights to LED, scientists often see decreases in the light observed by satellite (which, to the human eye, would seem to have the same brightness).

'For that reason I expected that wealthy countries would appear to be getting darker (even if that wasn't truly the case). Instead, we observed wealthy countries staying constant, or in many cases increasing,' said Christopher Kyba, lead author of the study and a researcher at the GFZ German Research Centre for Geosciences, in an interview with Gizmodo. 'That means that even though some cities are saving energy by switching to LEDs, other places are getting brighter by installing new or brighter lamps (that need new energy). So the data aren't consistent with the hypothesis that on the global scale, LEDs are saving energy for outdoor lighting applications.'

Researchers have been documenting the steady growth of artificial lighting ever since it was invented, and they've been wondering when the trend might stop. During the second half of the 20th century, electric light grew at an estimated rate of 3 to 6 percent per year. According to the new study, Earth's artificially lit outdoor areas grew by 2.2 percent each year from 2012 to 2015, with a total radiance growth of 1.8 percent each year. During

[details please visit the Orlando Times Travel Calendar here](#)



this span, nearly 60 countries experienced rapid increases in nighttime illumination between 110 to 150 percent, while another 20 countries experienced growth rates as high as 150 percent or more. Nearly 40 remained stable, with only 16 countries experiencing decreasing rates of nighttime illumination...

Disturbingly, the results presented in the new study may actually be worse than the data suggests. As previously mentioned, DRB is not able to detect low-wavelength blue light, which humans can see. Our planet, therefore, is even brighter at nighttime than the data suggests...

Nighttime illumination is considered a serious environmental pollutant, one that's disruptive to nocturnal animals, plants, and microorganisms. But it's also bad for human health as it disrupts the biological circadian rhythm, leading to metabolic disorders.

University of Exeter community ecologist Thomas Davies, who's not affiliated with the new study, says it's no secret that artificial light at night is a globally widespread pollutant, but estimating the rate at which it is expanding has been technically challenging.

'This research overcomes many of these technical issues, providing reliable estimates of the global rate of expansion in artificial light pollution,' Davies told Gizmodo. 'The numbers are truly shocking, given that we know illuminating the nocturnal environment can have widespread ramifications for the environment and human health.'

Barentine says the solution to this problem is actually quite simple, but it'll require us to gradually change our relationship with light at night.

'We could instantly reduce the problem by about half if we assured that all outdoor lighting fixtures were fully shielded, meaning that they emitted no light directly above the horizon,' he told Gizmodo.



'We could then further reduce the amount of light pollution in the world if fixtures were properly designed and installed such that the light they emit was confined to the task area, and provided in no greater intensity than needed to safely illuminate the task. Lastly, we could reduce the biological harm of our lights by ensuring that they emit as little short-wavelength (blue) light as possible, by choosing 'warmer' lamps.'

The most effective way to bring about these changes is through public policy, says Barentine, so we should encourage the encoding of these principles into local, regional, and national laws throughout the world.

These solutions sound simple, and they're certainly sensible, but it's rather convenient for those of us in the developed world to impose such lofty standards onto places where nighttime light is being used for the very first time. Sure, we need to change the culture around the use of outdoor light, but let's start this conversation in places where we already take nighttime illumination for granted."

--George Dvorsky

[Read entire article](#)

Walkable Cities: Last lecture in Grid Un-Locked series explores 'walkability' and the future of planning



"It is not drinking finer wine and buying better salami that makes Italians healthier than most Americans, according to a diagnosis from a renowned city planner.

Odd that a planner and engineer would be trying to diagnose health in the first place, in fact, but New Urbanist expert Rick Hall argued his analysis gets to the heart health of cities themselves.

He contended that the difference isn't the quality or health of the food, it's that the Italians walk down to the store to get it while Americans sit in traffic on the way to buy groceries. Here, American doctors actually prescribe walking because it's so removed from their routines, he added.

Doctors could argue with his conclusions about healthy eating habits, but probably not this point: 'We in this country have to take extra time to do our walking because there's no logical daily use of walking to get around,' Hall said with a laugh...

That must and will change, he told attendees of the final lecture in a series hosted by the Greater Sarasota Chamber of Commerce called 'Grid Un-Locked' that has explored mobility, or lack thereof, throughout Sarasota.

'We can continue down the path of automotive dominance thinking that's what most Americans want,' Hall said. 'The problem is it's so difficult to imagine anything else. But if you go to a place that has been proactively built to support walkability and transit ... it's night and day.'

Downtown Sarasota as it is today is an example of what that could look like, said Hall, who helped develop the downtown master plan that envisioned walkability under the guidance of Andres Duany. But the rest of the city or county certainly isn't, he said.

In a not-so-distant future, the markets will shift in favor of walkable neighborhoods and communities

over the classically American low-density suburban experience in much of the area now, he said. Communities that begin to plan for such a future now will be well ahead of a trend already well underway.

Planning for that eventuality will look a lot like the past, when walking and rail and water taxis offered other convenient travel options, as planner Andrew Georgiadis lectured about during last week's forum.

It also will involve what Hall called 'context policy,' in which a street isn't considered just by how many lanes it has or cars it carries, but in the consideration of what development exists around it. That means sidewalks in suburban areas will look dramatically different than those hugging Main Street and that cars screaming down a suburban arterial will behave very differently than those crawling down an urban thoroughfare with many walkers, he said.

'You can't know how to design a street unless you know where you are, and if you don't subscribe to this kind of differentiation of how you design streets, you're going to design them all the same ... Context should guide street design.'

The Florida Department of Transportation is breaking out of its usual ways to establish its 'complete streets' program that is classifying different stretches of state roads in that way, proving 'this is not your father's DOT anymore,' he joked. Now when an engineer is asked to design something more pedestrian friendly, the book they typically will rely on will actually have that option in the rules, Hall said.

But the sweeping changes that the inevitable introduction of driverless cars will bring have yet to be incorporated into much of the discussion, he admitted. In many ways, driverless cars might actually increase traffic trips even if they ultimately drive down car ownership, he said..."

-- Zach Murdock, Herald Tribune

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