

RESOLUTION NO. 15-003

**CITY OF SANIBEL
PLANNING COMMISSION**

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 "ZONING", ARTICLE XIV, "SUPPLEMENTARY DISTRICT REGULATIONS", ADDING, AMENDING AND RENUMBERING SECTIONS IN DIVISION 4 – "OUTDOOR LIGHTING";

AMENDING SECTION 126-996. "DEFINITIONS" – ADDING UNSHIELDED LIGHTING, POLE-MOUNTED LIGHTING, LANDSCAPING LIGHTING, AND PATHWAY LIGHTING DEFINITIONS; CLARIFYING UPLIGHTING DEFINITION; AND

AMENDING SECTION 126-997. "OUTDOOR LIGHTING GENERALLY" – REDEFINING APPLICABILITY PROVISIONS, ESTABLISHING NEW CONSTRUCTION STANDARDS AND EXEMPTIONS REGARDING UNSHIELDED POLE-MOUNTED LIGHTING, UPLIGHTING, LANDSCAPE LIGHTING AND PATHWAY LIGHTING, ADDRESSING EXISTING NONCONFORMING LUMINAIRES; PROHIBITING UNSHIELDED POLE-MOUNTED LIGHTING AND UPLIGHTING; PROVIDING A PROHIBITION DATE; AND

REPEALING "APPENDIX A" IN SECTION 126-997. "OUTDOOR LIGHTING GENERALLY" GRAPHICALLY ILLUSTRATING NONCONFORMING AND CONFORMING LUMINAIRES AND MODIFYING EXISTING FIXTURES; AND

ADDING "APPENDIX A, APPENDIX B AND APPENDIX C – CITY OF SANIBEL DARK SKY LIGHT FIXTURE GUIDE" IN SECTION 126-997. "OUTDOOR LIGHTING GENERALLY" ILLUSTRATING COMPLIANT AND NONCOMPLIANT LUMINAIRES; AND

ADDING A NEW SECTION 126-998. "CERTIFICATE OF LUMINAIRE COMPLIANCE" – ESTABLISHING A VOLUNTARY CITY DATABASE INDICATING PROPERTY STATUS REGARDING LUMINAIRE COMPLIANCE; AND

RENUMBERING SECTION 126-998. "BEACH WALKOVER LIGHTING" AS 126-999; AMENDING SAME TO ESTABLISH ARTIFICIAL LIGHT ILLUMINATION LEVEL LIMITS; AND

RENUMBERING SECTION 126-999. "BEACHFRONT LIGHTING FOR MARINE TURTLE PROTECTION – NEWLY INSTALLED ARTIFICIAL LIGHTING SOURCES" AS 126-1000; AMENDING SAME TO UPDATE EXTERIOR ARTIFICIAL LIGHT FIXTURE AND LAMP REQUIREMENTS; AND

RENUMBERING SECTION 126-1000. "SAME – EXISTING ARTIFICIAL LIGHTING SOURCES" AS 126-1001; AMENDING SAME TO UPDATE FIXTURE AND LAMP REQUIREMENTS; AND

RENUMBERING SECTION 126-1001. "ALTERNATIVE LIGHTING PLAN" AS 126-1002; AND

RENUMBERING SECTION 126-1002. "INTERPRETATION" AS 126-1003; AND

RENUMBERING SECTIONS 126-1003 – 126-1020. "RESERVED" TO 126-1004 – 126-1020; AND

SPECIFYING THAT COMPLIANCE WITH MARINE TURTLE LIGHTING IS CURRENTLY REQUIRED AND IS NOT BEING AFFECTED BY THE AMENDMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a public hearing on the proposed ordinance, referenced in the above title, was legally and properly advertised and held on December 9, 2014 and January 13, 2014 before the Sanibel Planning Commission; and

WHEREAS, the Planning Commission has heard and considered comments and recommendations from the Planning Department staff and public; and

WHEREAS, the Planning Commission finds the proposed amendment to be consistent with the Sanibel Plan; and

WHEREAS, the Planning Commission may recommend to the City Council amendments to regulations of the Land Development Code, in accordance with the following standards, as set forth in LDC Section 82-241:

- (1) The Planning Commission shall make reference to the Sanibel Plan to determine if the proposed amendment to the land development regulations is consistent with the intent and purpose of the Sanibel Plan.*
- (2) The Planning Commission shall determine whether the proposed amendment:*
 - a. Will encourage the most appropriate use of land and City resources, consistent with the public interest;*
 - b. Will prevent the overcrowding of land and avoid the undue concentration of population;*
 - c. Will adversely affect the development of adequate and efficient provisions for transportation, water, sewage, schools, parks, recreation facilities, and the environmental, social and economic resources of the city;*
 - d. Will adversely affect the character and stability of the present and future land use and development of the community;*
 - e. Will adversely affect orderly growth and development;*
 - f. Will preserve, promote, protect and improve the public health, safety and general welfare of the community; and*
 - g. Is consistent with the City Charter.*
- (3) If the Planning Commission determines that a proposed amendment is inconsistent with the Sanibel Plan or its intent and purpose, the Planning Commission may, nevertheless, recommend approval of the proposed amendment, along with a corresponding amendment to the Sanibel Plan, if the Planning Commission determines that the proposed amendment should be approved based upon a consideration of all of the factors specified in subsection (2) of this section.*

NOW THEREFORE, BE IT RESOLVED that the Planning Commission finds that proposed Ordinance No. 15-004 is consistent with the Sanibel Plan and meets the above referenced requirements and recommends that the City Council adopt said ordinance, the title of which is provided in this Resolution.

The foregoing Resolution was adopted by the Planning Commission upon a motion by Commissioner Kettelman and seconded by Commissioner Smith and the vote was as follows:

Chris Heidrick	<u>Yes</u>	Jason Maughan	<u>Yes</u>
Chuck Kettelman	<u>Yes</u>	Holly Smith	<u>Yes</u>
Tom Krekel	<u>No</u>	John Talmage	<u>Excused</u>
Phillip Marks	<u>Yes</u>		

DULY PASSED AND ADOPTED this 13th day of January, 2015.

SANIBEL PLANNING COMMISSION

Signed: Phillip Marks
Phillip Marks, Planning Commission Chair

28 Jan 2015
Date Signed

Approved As To Form: Kenneth B. Cuyler
Kenneth B. Cuyler, City Attorney

1/27/15
Date Signed

Date Filed With City Manager: 1/28/2015