



City of Sanibel

Planning Commission

STAFF REPORT

Planning Commission Meeting:
Agenda Item:
Applicant:
Application No.

January 13, 2015
7c.
City of Sanibel
15-8387LDC

RE: 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 – 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. APPLICATION NO. 15-8387 LDC

BACKGROUND

This is the continuation of a hearing held by the Planning Commission on December 9, 2014 on the adoption of a draft ordinance amending the Land Development Code, Subpart B, Chapter 126, Article XIV, Division 4 Outdoor Lighting. The Planning Commission direct staff to bring back revisions for its consideration in an effort to help clarify certain definitions and standards contain in the Ordinance. This report and the attached Ordinance contain the recommended changes that Staff has drafted to address some of the concerns that were presented at the Planning Commission December 9, 2014 meeting.

SUMMARY OF REVISIONS

For the Planning Commission's consideration the following revisions to the draft Ordinance are offered:

Since the term luminaire is presently defined within in the Code to mean "a complete lighting system, including a lamp or lamps and a fixture" the term luminaire should replace the terms lamps or fixture wherever they are currently used in the definitions.

The definitions for Full Cutoff Fixtures, Unshielded Lighting and Uplighting have been amended to read as follows:

Full cutoff fixture means a luminaire that does not emit any light, either directly or by reflection or diffusion, above a horizontal plane running through the lowest part of the fixture luminaire's feature containing the lamps or lamps that produces the actual light, including any attached reflectors or diffusers. See Page 3 of the attached Ordinance.

Unshielded Lighting means any artificial light emitted, either directly or by reflection or diffusion, above a horizontal plane running through the lowest part of the luminaire's full cutoff feature. See Appendix B and Page 4 of the attached Ordinance.

Uplighting means any luminaire that directly or indirectly projects light above a the horizontal plane of a 90 degree angle passing through it's the lowest point skyward of the luminaire's full cutoff feature. See Appendix C and Page 4 of the attached Ordinance.

Land Development Code Section 126-997 Outdoor Lighting Generally (c) has been revised so that the title now reads New or replacement luminaires and new construction Standards. (See Page 6 of the attached Ordinance). Subsection (3) of this section Functional equivalent allowed has been revised as follows "Lights that are properly installed within or under an architectural space or feature (such

as under a porch roof or a roof overhang) which provides the functional equivalence of a full cutoff fixture ~~prevents light from projecting skyward~~, need not use full cutoff fixtures. (See Page 6 of the attached Ordinance).

With regards to exemption for landscape and pathway lighting the following changes were made to include language for the use solar and other low wattage lighting. (See Page 7 of the attached Ordinance) And under Existing Nonconforming Luminaires the term lawfully was added to cover any unshielded or uplighting that was installed unlawfully or after the adoption of the proposed Ordinance. (See Page 8 of the attached Ordinance)

PROCEDURE

LDC Section 82-241, Amendments to Land Development Code or zoning district boundaries, provides the following standards for the Planning Commission to recommend such amendments to City Council for their consideration:

- (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.

RECOMMENDATION

Upon finding that the proposed ordinance is consistent with the requirements of Sanibel Code Section 82-241 for amendments to the Land Development Code and with the intent and purpose of the Sanibel Plan, the Planning Department recommends that the Planning Commission adopts a resolution recommending City Council to adopt the subject ordinance as drafted.

Attachments:

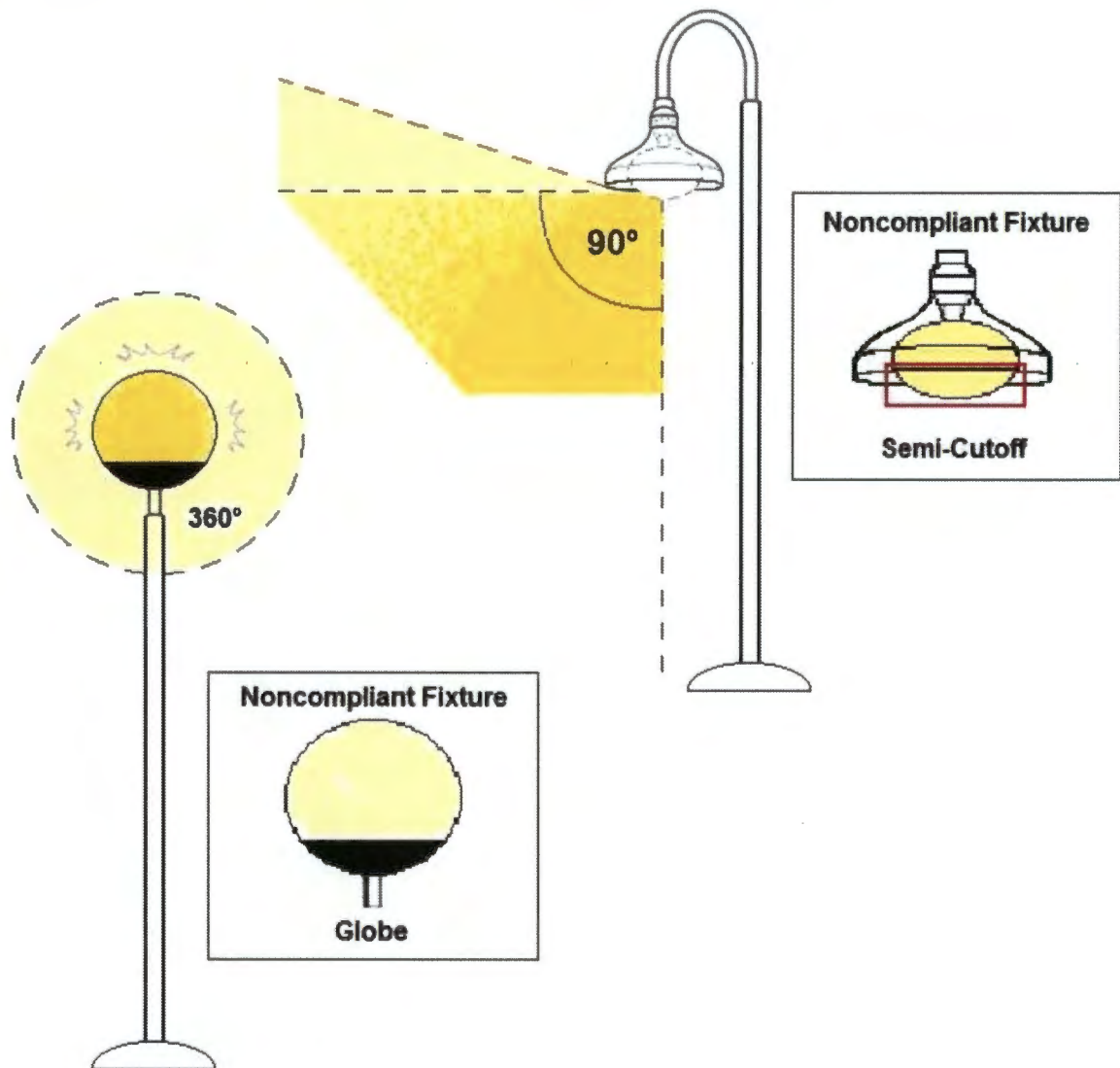
Appendix B: Noncompliant Lighting

Appendix C: Compliant Lighting

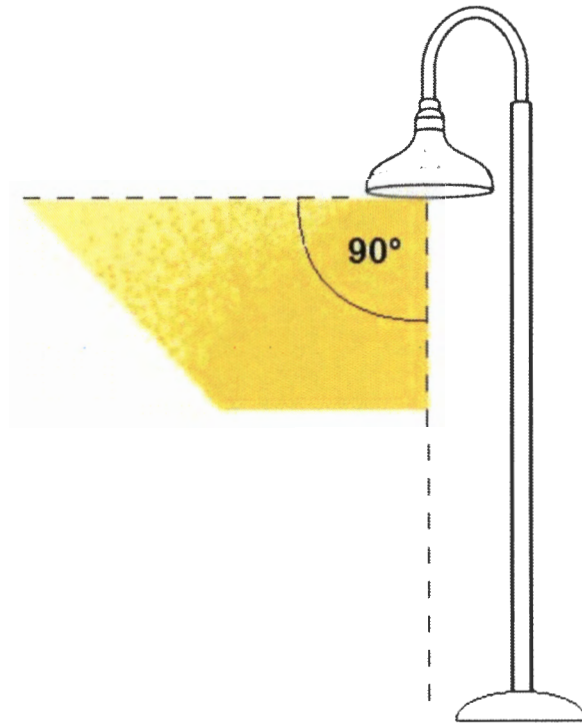
Attachment A: Highlighted draft Ordinance

Attachment B: DRAFT Planning Commission Resolution

Appendix B: Noncompliant Fixtures



Appendix C: Compliant Lighting



ATTACHMENT A

DRAFT DARK SKIES ORDINANCE
(19 Pages)
1-13-2015 Planning Com - Agenda Item 7c.
Dark Skies Discussion

CITY OF SANIBEL

ORDINANCE 14 - XX

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 – 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, the City Council has extended the compliance date of the Sanibel Code requirements generally known as the “dark sky” ordinance, which compliance date is currently January 1, 2018; and

WHEREAS, the City Council has taken and considered the comments of the general public and City Staff and has reviewed generally the current state of compliance of City of Sanibel property owners with regard to such regulations; and

WHEREAS, the City Council finds that it is appropriate and necessary to provide additional education and explanation to the general public regarding the purpose and intent of the “dark sky” ordinance and the methods and fixtures available to obtain compliance with such requirements; and

WHEREAS, the City Council has determined that it is appropriate and necessary to further revise the “dark sky” ordinance and outdoor lighting provisions of the Land Development Code to accomplish such purposes; and

WHEREAS, the revisions to the “dark sky” ordinance and outdoor lighting provisions of the Land Development Code does not affect lighting standards for marine turtle protection, which have been in effect, are currently in effect, and are currently enforced for the protection of marine sea turtles;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Sanibel, Florida:

SECTION 1. The Sanibel Code of Ordinances Chapter 126, "Zoning", Article XIV, "Supplementary District Regulations", Division 4 "Outdoor Lighting", Section 126-996 "Definitions", is amended with additions indicated by underlining, and deletions indicated by ~~striketroughs~~ to read as follows:

Subpart B - LAND DEVELOPMENT CODE

Chapter 126 - ZONING

ARTICLE XIV. - SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 4. OUTDOOR LIGHTING

Sec. 126-996. Definitions.

The following words, terms and phrases when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambient light means light not originating from the site, such as moonlight.

Artificial light or artificial lighting means the light emanating from any manmade device.

"Bug" type bulb means any yellow light bulb specifically designed to reduce the attraction of insects to the light.

Cumulatively illuminated means illuminated by numerous artificial light sources.

Direct light means light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Fixture means the assembly that houses the lamp or lamps and can include all or some of the following parts: A housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flood or spot light means any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam.

Full cutoff fixture means a luminaire that does not emit any light, either directly or by reflection or diffusion, above a horizontal plane running through the lowest part of the ~~fixture~~ luminaire's feature containing the lamps or lamps that produces the actual light, including any attached reflectors or diffusers.

Glare means light emitting from a luminaire that interferes with visibility.

Ground-level barrier means any vegetation, natural feature or artificial structure rising from the ground which prevents beachfront lighting from shining directly onto the beach-dune system.

Hatchling means any species of marine turtle, within or outside of a nest, which has recently hatched from an egg.

Indirect light means direct light that has been reflected or has scattered off of other surfaces.

Lamp means the component of a luminaire that produces the actual light.

Landscaping Lighting means lighting used to emphasize or draw attention to a landscape feature.

Light trespass means light from an artificial light source that is intruding into an area where it does not belong, such as an adjoining or nearby property, or the beach or dune.

Luminaire means a complete lighting system, including a lamp or lamps and a fixture.

Marine turtle means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in state waters or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kempi* (Kemp's ridley).

Marine turtle nesting season means the period from May 1 through October 31 of each year.

Nest means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

Outdoor lighting means the nighttime illumination of an outside area or object by any fixed luminaire. Vehicle lights and flashlights are not included in this definition.

Pathway Lighting means lighting used to illuminate a walkway or pathway.

Point source of light means any artificial light or lighting that directly radiates visible light.

Recessed luminaire means a luminaire recessed into an outdoor ceiling or canopy so that its bottom is flush with the underside of the structure.

Skyglow means illumination of the sky from artificial sources.

Tinted glass means 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.

Unshielded Lighting means any artificial light emitted, either directly or by reflection or diffusion, above a horizontal plane running through the lowest part of the lamp luminaire's full cutoff feature. See Appendix B.

Pole-Mounted Lighting means any luminaire set on a base or a pole which raises the source of light off of the ground.

Uplighting means any luminaire that directly or indirectly projects light above a the horizontal plane of a 90 degree angle passing through its the lowest point skyward of the luminaire's full cutoff feature. See Appendix C.

Wallpacks means luminaires placed along the outer walls of buildings. See illustrations.

(Ord. No. 97-08, § 3, 5-6-1997; Ord. No. 00-10, § 1, 6-6-2000)

Cross reference— Definitions generally, § 1-2.

SECTION 2. The Sanibel Code of Ordinances Chapter 126, “Zoning”, Article XIV, “Supplementary District Regulations”, Division 4 “Outdoor Lighting”, Section 126-997 “Outdoor lighting generally”, be amended with additions indicated by underlining, and deletions indicated by ~~striketroughs~~, to read as follows:

Sec. 126-997. Outdoor lighting generally.

(a) *Purpose and intent.* The purpose of this section is to set outdoor lighting standards that will minimize glare, light trespass, and skyglow; conserve energy while maintaining nighttime safety, security, and productivity; protect the privacy of residents; minimize disturbance of wildlife; enhance the ambiance of the community; and ensure optimal viewing of spectacular night skies above Sanibel.

It is the intent of this section that all luminaires in the city be brought into compliance with the standards of this section in accordance with the timetable established in subsection (e).

To encourage the replacement of nonconforming outdoor lights, the issuance of a development permit, solely for outdoor lights, does not trigger compliance with code requirements unrelated to outdoor lighting.

Further, the issuance of a development permit for any purpose other than outdoor lighting will not require the replacement or removal of existing non-conforming outdoor lighting as a condition of authorizing such development permit, except in accordance with the timetable in subsection (e).

(b) *Applicability.* ~~All new luminaires, regardless of whether a development permit is required, must comply with the standards of this section.~~ New or replacement luminaires and new construction must comply with the standards of Subsection 126-997(c). Existing luminaires shall comply with the timetable in Subsection 126-997(e).

- (1) *All land uses.* A development permit is required to add or replace outdoor lights in the Gulf Beach, Gulf Beach Ridge or Bay Beach zones.
- (2) *Single family and duplex dwelling units located on an individual lot, except those located in the zones identified in 126-997(b)(1).* No development permit is required to reposition, replace or add outdoor lights in accordance with the standards of this section; however, an electrical permit may be required depending on the extent of the work.
- (3) *Other residential uses, including motels, cottages and other resort housing (regardless of structure type) and non-residential land uses, except those located in the zones identified in 126-997(b)(1).* A development permit is required to add, reposition, or replace outdoor lights mounted on poles higher than ten feet above the ground. In all other cases, no permit is required to add, reposition, or replace outdoor lights in accordance with the standards of this section.

(c) New or replacement luminaires and new construction standards. In addition to the standards for outdoor lights established in this subsection, there are standards for dock lighting in sections 126-888 et seq. and 126-96

Minimum setback standards and height limitations for outdoor lights are provided in sections 126-852 and 126-853.

- (1) All exterior lighting shall be designed and installed to prevent glare and light trespass. Light shall not be allowed to cause glare affecting motorists, bicyclists, or other users of roads, driveways, and bicycle paths. Light shall not trespass over property lines.

Only outdoor lights compliant with the standards of sections 126-998~~9~~ and 126-999~~1000~~ and with the standards of sections 126-96 (for docks in the Bay Beach Zone) and 126-152 (for replacement lighting fixtures seaward of the 1974 Coastal Construction Control Line) are permitted in the Gulf Beach and Bay Beach zones.

- (2) Full cutoff fixtures must be used. ~~Uplighting is prohibited.~~ All outdoor lighting, including display, sign, building, parking lot, and aesthetic lighting, must use full cutoff fixtures, which shine light downward.
- (3) Functional equivalents allowed. Lights that are properly installed within or under an architectural space or feature (such as under a porch roof or a roof overhang) which provides the functional equivalence of a full cutoff fixture prevents light from projecting skyward, need not use full cutoff fixtures.
- (4) The illustrations contained in Appendix A to this section are intended to provide examples of fixtures and fixture positioning that comply (and that do not comply) with these standards, and are part of these regulations.
- (5) Mercury vapor lighting is prohibited. High or low pressure sodium lighting or other more energy-efficient and less environmentally-hazardous types of lighting ~~is~~ are permitted and encouraged. City Council may approve, by Resolution, new lighting technologies as they become available.
- (6) Street lighting is, in general, inconsistent with Sanibel's rural character. No street lights shall be installed or maintained on private streets, roads, and rights-of-way.
- (7) In residential settings, motion-detecting security lighting is permitted and encouraged in order to maximize safety, minimize overall illumination, and conserve energy.
- (8) Parking lot lights for nonresidential land uses shall, individually and in aggregation with other outdoor lights, not exceed a maximum site illumination of ten foot-candles, measured at two feet above ground level.

(9) Unshielded pole-mounted lighting is prohibited.

(10) Uplighting is prohibited.

(d) *Exemptions.* The following are exempt from the requirements of this section:

- (1) All temporary emergency lighting needed by the police or fire departments or other

emergency services, as well as all vehicular luminaires.

- (2) Lighting for public streets, roads, and rights-of-way, except that such lighting shall be reviewed in accordance with section 78-7, applying the policies set forth in Ordinance No. 00-10, as well as general policy 9 in the Plan for Scenic Preservation of the Sanibel Plan: "In order to maintain the dark sky of this nonurban community, minimize outdoor lighting."
- (3) All hazard warning luminaires required by federal or state regulatory agencies are exempt from the requirements of this subsection. Unless otherwise mandated, all luminaires used must be yellow/amber and must be shown to be as close as possible to the federally or state required minimum lumen output requirement for the specific task.
- (4) Holiday lighting, as specified in subsection 106-3(13).
- (5) The Sanibel Lighthouse light.
- (6) Swimming pool lights located below the water surface within the pool shell. For properties within the Bay Beach, Gulf Beach, and Gulf Beach Ridge zones, swimming pool lighting directly or indirectly visible from the beach must also comply with marine turtle lighting standards in Section 126-1000-1001.
- (7) Landscaping and pathway lighting, three (3) feet or less in height. Solar or other low wattage landscape and pathway lighting shall not project light skyward; full cutoff fixtures are encouraged, but not required. Landscaping and pathway lighting for properties lying within the Bay Beach, Gulf Beach, and Gulf Beach Ridge zones must also comply with marine turtle lighting standards in Sections 126-1000-1001.

(e) ~~Existing nonconforming luminaires. The following categories of outdoor lights must be brought into compliance with the standards of this section in accordance with the timetable provided.~~

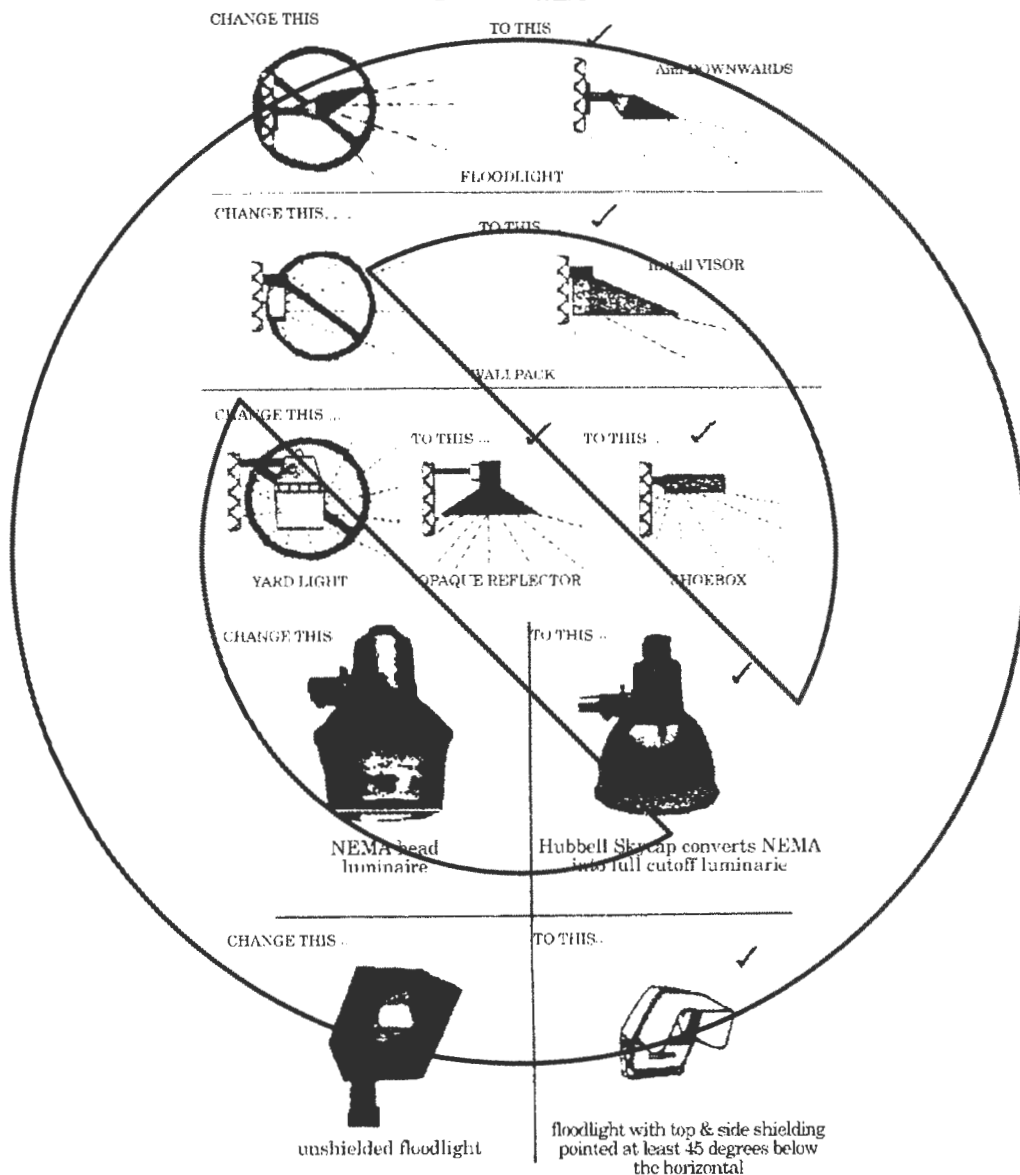
- (1) Any lawfully existing luminaire, with the exception of unshielded pole lighting and uplighting that currently exists at the time of this ordinance that is not in conformance with the standards set forth in Subsection 126-997 (c) shall be permitted to remain until after January 1, 2018 until such time as they are either replaced or relocated. Upon the effective date of Ordinance No. 00-10, all luminaires that direct light toward streets, bicycle paths, or parking lots that cause glare to motorists or cyclists shall be either shielded or redirected so that the luminaires do not continue to cause a potential hazard.
- (2) ~~All luminaires, not identified in paragraph (1) above, shall be permitted to remain until January 1, 2018. By this date, all outdoor lights shall be brought into compliance with the standards of this section. However, a~~ Any luminaire that replaces a lawfully existing luminaire, or any lawfully existing luminaire that is moved, must meet the standards of this section Subsection 126-997(c) at the time of its replacement or relocation.

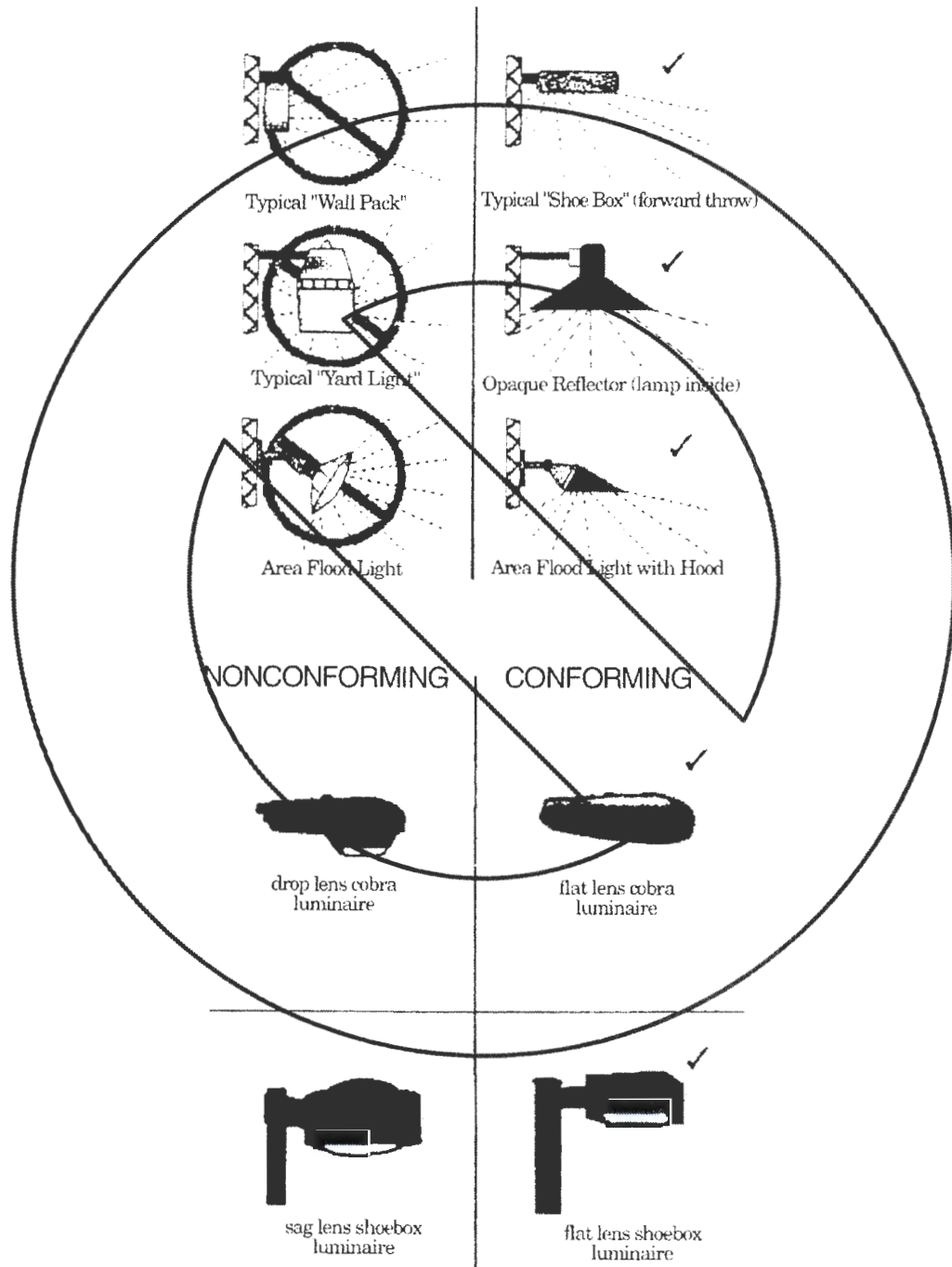
- (3) All lawfully existing unshielded pole-mounted lighting, to include and uplighting shall be strictly prohibited as of January 1, 2018.

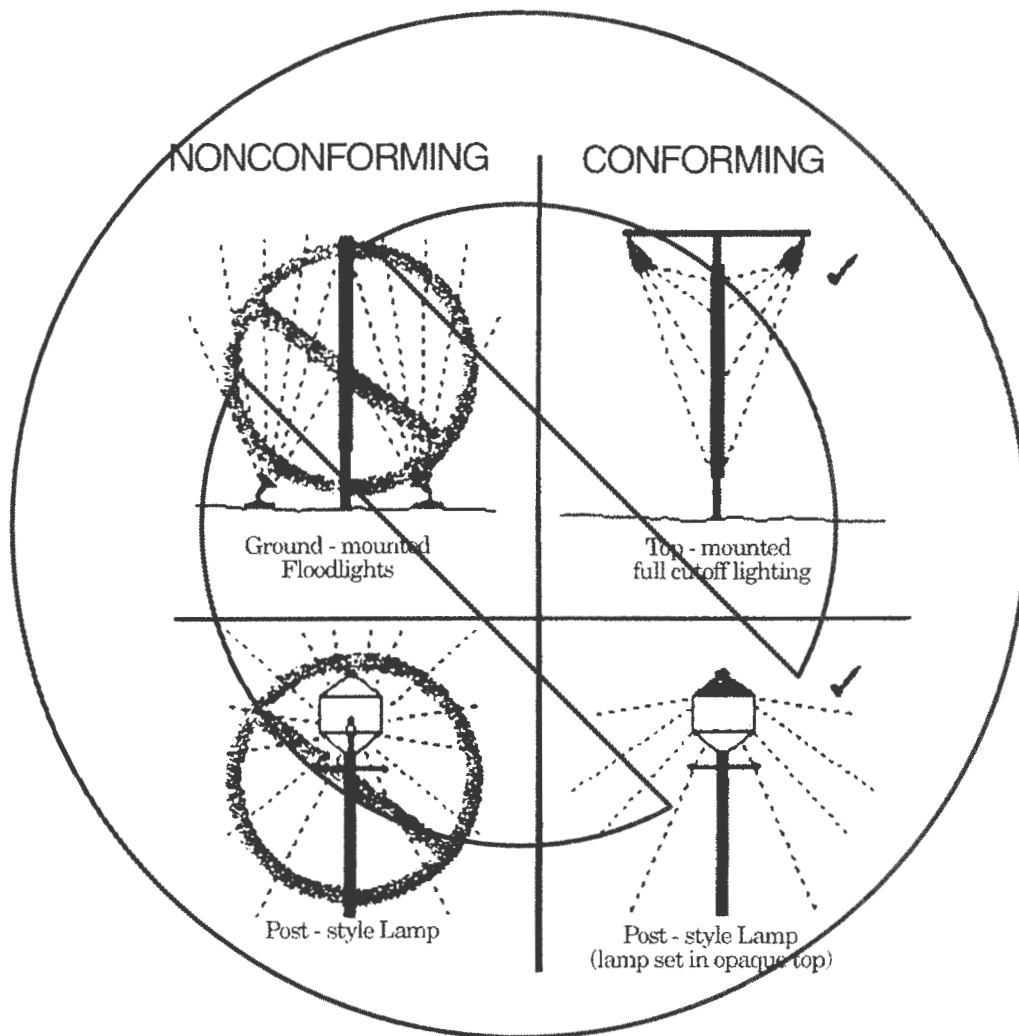
SECTION 3. The Sanibel Code of Ordinances Chapter 126, “Zoning”, Article XIV, “Supplementary District Regulations”, Division 4 “Outdoor Lighting”, Section 126-997 “Appendix A” illustrations relating to the modification of existing fixtures and conforming vs. nonconforming luminaires, be repealed and replaced with a new Appendix A – City of Sanibel Dark Sky Light Fixture Guide, as follows:

APPENDIX A

MODIFYING EXISTING FIXTURES



APPENDIX A (continued)

APPENDIX A (continued)

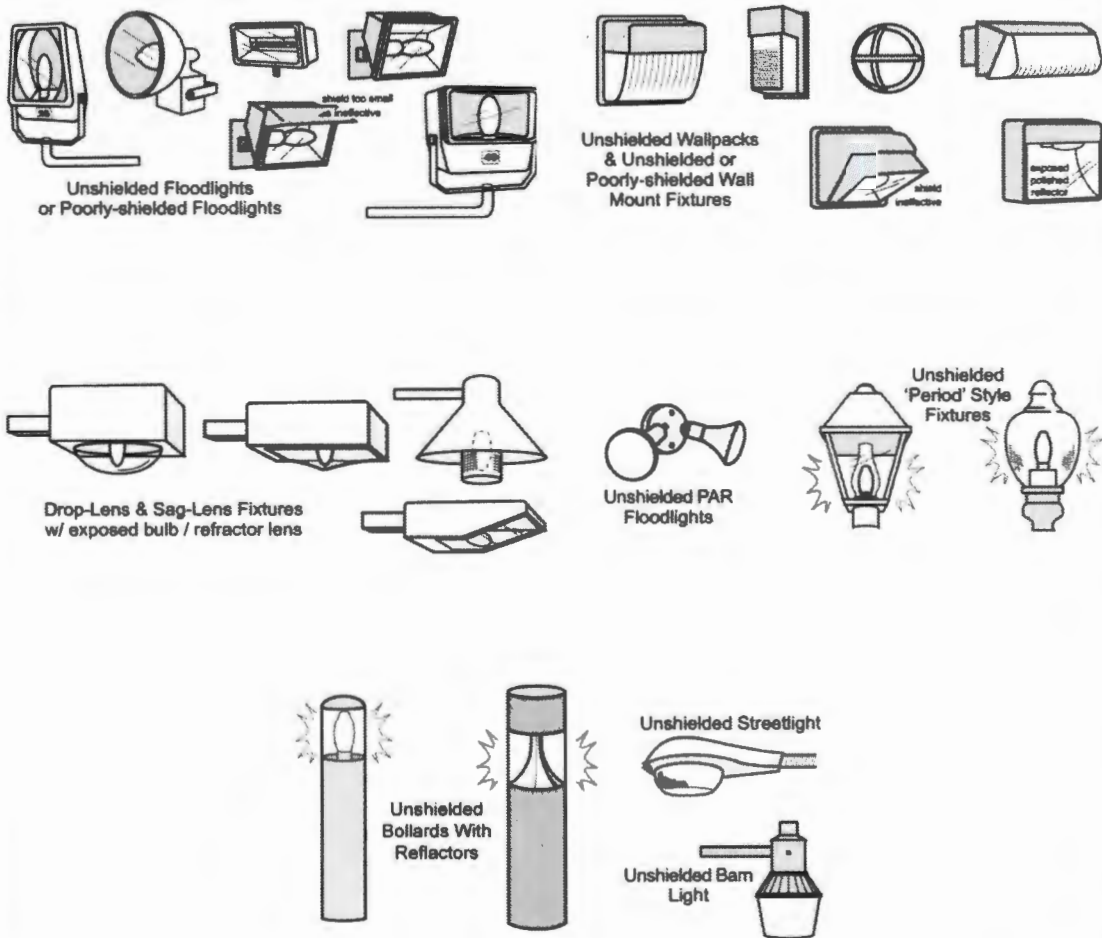
SECTION 4. The Sanibel Code of Ordinances Chapter 126, "Zoning", Article XIV, "Supplementary District Regulations", Division 4 "Outdoor Lighting", Section 126-997 "Outdoor lighting Generally" – "Appendix A – City of Sanibel Dark Sky Light Fixture Guide", be created with additions indicated by underlining, as follows:

APPENDIX A

City of Sanibel

Dark Sky Light Fixture Guide

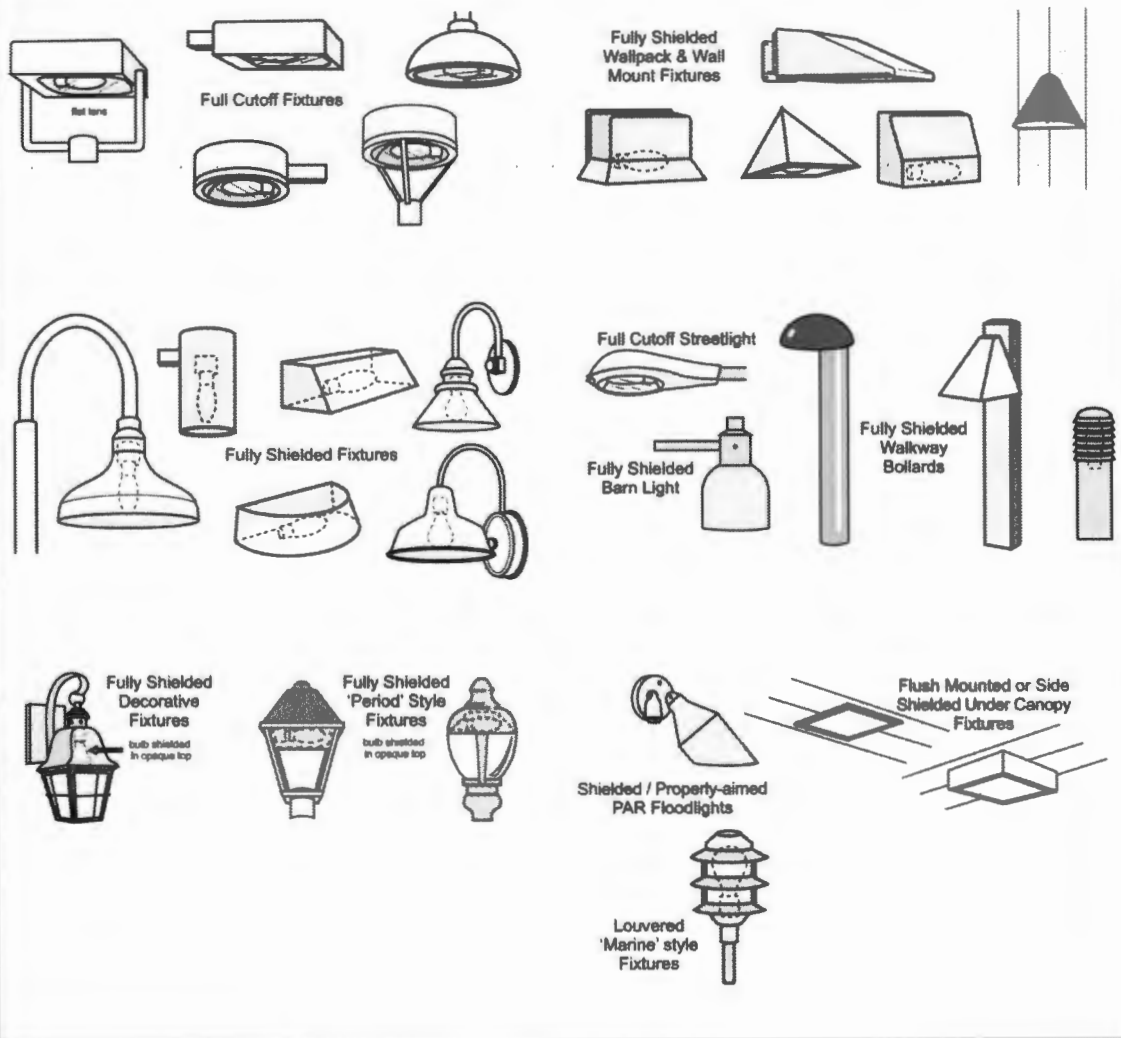
Noncompliant: Fixtures that produce light trespass and glare



City of Sanibel

Dark Sky Light Fixture Guide

Compliant: Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



SECTION 5. The Sanibel Code of Ordinances Chapter 126, "Zoning", Article XIV, "Supplementary District Regulations", Division 4 "Outdoor Lighting", Section 126-998 "Certificate of Luminaire Compliance", is created with additions indicated by underlining, to read as follows:

Sec. 126-998. Certificate of Luminaire Compliance.

- (a) Purpose and intent. The purpose of this section is to provide documentation for the owner and to establish a City database of properties indicating their status with regard to luminaire compliance with the provisions of this chapter.
- (b) Applicability. Any Sanibel property owner (or owner representative) may apply for a Certificate of Luminaire Compliance. However, obtaining a Certificate of Compliance is not mandatory.
- (c) Standards. The process for applying and receiving a Certificate of Luminaire Compliance is as follows:

 - (1) An Application for Certificate of Luminaire Compliance shall be submitted to the Sanibel Planning Department.
 - (2) The City shall conduct an inspection of luminaires located on the Applicant's property. The product of that inspection shall be a report to be kept on record with the Sanibel Planning Department, and provided to the Applicant, and which includes the following:

 - a. General information such as the date of the inspection and the property address and photographs of all existing fixtures; and
 - b. A determination of either compliance or non-compliance; and
 - c. In the case determination of non-compliance, notations regarding the type and approximate location of non-compliant fixtures.
 - (3) Upon completion of a report indicating full compliance, the City shall issue a Certificate of Luminaire Compliance which will be provided to the Applicant and held on record at the Sanibel Planning Department.
 - (4) Certificates of Luminaire Compliance shall become void upon the issuance of a building permit for work that could alter on-site luminaires or the effects of light emissions of on-site luminaires.

SECTION 6. The Sanibel Code of Ordinances Chapter 126, "Zoning", Article XIV, "Supplementary District Regulations", Division 4 "Outdoor Lighting", Section 126-998 "Beach Walkover Lighting", is hereby renumbered as 126-999; and amended with additions indicated by underlining, and deletions indicated by ~~strikethroughs~~, to read as follows:.

Sec. 126-9998. Beach walkover lighting.

The lighting of beach walkovers is permitted seaward of the coastal construction control line but only mushroom-type light fixtures, which direct the light downward, shall be permitted. Such lighting shall also meet the following requirements:

- (1) Such fixtures shall be installed at least 25 feet apart and not more than one foot above the surface of the walkover.
- (2) Illumination shall be limited to ~~25 watts through the use of a "bug" type bulb~~ long wavelength light sources greater than 560 nanometers in accordance with Florida Fish and Wildlife Conservation Commission (FWC) Approved Sea Turtle Lighting as identified at <http://myfwc.com/wildlifehabitats/managed/sea-turtles/turtles-lights/>. Yellow "bug" type incandescent bulbs not exceeding 25 watts and yellow compact fluorescent bulbs not exceeding 480 lumens may also be used.

(Ord. No. 85-26, § 1(I.E.14), 11-27-1985)

SECTION 7. The Sanibel Code of Ordinances Chapter 126, "Zoning", Article XIV, "Supplementary District Regulations", Division 4 "Outdoor Lighting", Section 126-999 "Beachfront lighting for marine turtle protection – newly installed artificial lighting sources", is hereby renumbered as 126-1000; and amended with additions indicated by underlining, and deletions indicated by ~~strike throughs~~, to read as follows:

Sec. 126-~~1000~~999. Beachfront lighting for marine turtle protection—Newly installed artificial lighting sources.

Newly installed artificial light sources shall comply with the following conditions:

- (1) Artificial light fixtures shall be designed and positioned so that:
 - a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
 - b. Areas seaward of a frontal or primary dune are not directly, indirectly, or cumulatively illuminated.
- (2) Exterior artificial light fixtures within direct line of sight of the beach shall be completely shielded, ~~downlight only fixtures~~ full cutoff, downward directed fixtures or recessed fixtures, ~~having low wattage, i.e., 25 watts or less, with "bug" type bulbs and non-reflective interior surfaces.~~ Other fixtures that have appropriate shields, louvers, or cut-off features may also be used if they are in compliance with subsections (1) a and b of this section. Fixtures shall be equipped with long wavelength lamps greater than 560 nanometers in accordance with Florida Fish and Wildlife Conservation Commission (FWC) "FWC Approved Sea Turtle Lighting" as identified at

<http://myfwc.com/wildlifehabitats/managed/sea-turtles/turtles-lights/>.

- (3) Floodlights, uplights, or spotlights that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach, shall not be used.
- (4) Only low-intensity lighting shall be used in parking areas within line of sight of the beach. Such lighting shall be:
 - a. Set on a base which raises the source of light no higher than 48 inches off the ground; and
 - b. Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of the light fixture is not visible from the beach and does not directly, indirectly, or cumulatively illuminate the beach.
- (5) Parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent vehicular headlights from directly or indirectly illuminating the beach.
- (6) Vehicular lighting, parking area lighting, and roadway lighting shall be shielded from, the beach through the use of ground-level barriers. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short-term or long-term damage to the beach/dune system.
- (7) Tinted glass shall be installed on all windows and glass doors of single-story or multistory structures within line of sight of the beach.

(Ord. No. 97-08, § 3, 5-6-1997)

SECTION 8. The Sanibel Code of Ordinances Chapter 126, “Zoning”, Article XIV, “Supplementary District Regulations”, Division 4 “Outdoor Lighting”, Section 126-1000 “Same – Existing artificial lighting sources”, is hereby renumbered as 126-1001; and amended with additions indicated by underlining, and deletions indicated by ~~strikethroughs~~, to read as follows:

Sec. 126-1001. Same—Existing artificial lighting sources.

Existing artificial lighting sources shall, within 60 days after adoption of the ordinance from which this division is derived, comply with all of the following standards:

- (1) Existing artificial light fixtures shall be repositioned, modified, or removed so that:
 - a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach; and
 - b. Areas seaward of a frontal or primary dune are not directly, indirectly, or cumulatively illuminated.
- (2) The negative effects of existing exterior artificial lighting shall be eliminated by taking such of the following measures as may be applicable:
 - a. Repositioning fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;

- b. Replacing fixtures having an exposed light source with full cutoff fixtures containing recessed light sources or shields;
 - c. Replacing traditional white light bulbs sources with long wavelength light sources greater than 560 nanometers in accordance with Florida Fish and Wildlife Conservation Commission (FWC) "FWC Approved Sea Turtle Lighting" as identified at <http://myfwc.com/wildlifehabitats/managed/sea-turtles/turtles-lights/>. Yellow "bug" type incandescent bulbs not exceeding 25 watts and yellow compact fluorescent bulbs not exceeding 480 lumens may also be used;
 - d. Replacing non-directional fixtures with directional fixtures that point down and away from the beach;
 - e. Replacing fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - f. Replacing pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - g. Replacing incandescent, fluorescent, and high intensity lighting with the lowest wattage low pressure sodium vapor lighting possible for the specific application;
 - h. Planting or improving vegetation buffers between the light source and the beach to screen light from the beach;
 - i. Permanently removing or temporarily disabling any fixture which cannot be brought into compliance with the provisions of this division during the nesting season.
- (3) The negative effects of existing interior lighting emanating from doors and windows within line of sight of the beach shall be eliminated by taking such of the following measures as may be applicable:
- a. Applying window tint or film which meets the transmittance values for tinted glass;
 - b. Rearranging lamps and other moveable fixtures away from windows;
 - c. Using window treatments, such as blinds and curtains, to shield interior lights from the beach; and
 - d. Turning off unnecessary lights.
- (4) For purposes of this division replacement or alteration of a nonconforming, artificial lighting structure, for the purpose of bringing such a structure into compliance with this division, shall be deemed a repair for purposes of article V of this chapter.

(Ord. No. 97-08, § 3, 5-6-1997)

SECTION 9. The Sanibel Code of Ordinances Chapter 126, “Zoning”, Article XIV, “Supplementary District Regulations”, Division 4 “Outdoor Lighting”, Section 126-1001 “Alternative lighting plan”, is hereby renumbered as 126-1002.

Sec. 126-1002¹. Alternative lighting plan.

Any person may submit an alternative lighting plan as long as it demonstrates that the point source of light or any reflective surface is not directly visible from the beach and that areas seaward of the frontal, or primary, dune are not directly, indirectly or cumulatively-illuminated.

(Ord. No. 97-08, § 3, 5-6-1997)

SECTION 10. The Sanibel Code of Ordinances Chapter 126, “Zoning”, Article XIV, “Supplementary District Regulations”, Division 4 “Outdoor Lighting”, Section 126-1002 “Interpretation”, is hereby renumbered as 126-1003.

Sec. 126-1003². Interpretation.

(a) Where any of the provisions of this section appear to be in conflict with state laws preempting local authority, they shall not take effect until such time as the preemption is withdrawn.

(b) Where any of the provisions of section 126-997 appear to be in conflict with another provision of this division or another provision of this Land Development Code, the provision providing the greatest protection against glare, light trespass and sky glow shall apply.

(Ord. No. 00-10, § 3, 6-6-2000)

SECTION 11. The Sanibel Code of Ordinances Chapter 126, “Zoning”, Article XIV, “Supplementary District Regulations”, Division 4 “Outdoor Lighting”, Sections 126-1003 – 126-1020 “Reserved”, is hereby renumbered as 126-1004 - 126-1020.

Secs. 126-1004³—126-1020. Reserved.

SECTION 12. Codification. In Article XIV of Chapter 126, Sections 126-996 and 126-997 are hereby amended, a new Section 126-998 is added, Section 126-998 is amended and renumbered 126-999, Section 126-999 is amended and renumbered 126-1000, Section 126-1000 is amended and renumbered 126-1001, Section 126-1001 is renumbered 126-1002, Section 126-1002 is renumbered 126-1003, Sections 126-1003 – 126-1020 is renumbered 126-1004 – 126-1020. This ordinance shall be deemed an amendment to Sanibel Code of Ordinances and shall be codified in the Sanibel Code of Ordinances as such an amendment.

SECTION 13. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

SECTION 14. Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 15. Effective Date. This ordinance shall be effective immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this _____ day of _____, 201__.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:

Kenneth B. Cuyler, City Attorney Date

Vote of Council Members:

Ruane _____
Congress _____
Denham _____
Harrity _____
Jennings _____

First Reading _____
Publication Date _____
Second Reading _____

Date Filed with City Clerk: _____

ATTACHMENT B**DRAFT DARK SKIES RESOLUTION
(3 Pages)**1-13-2015 Planning Com - Agenda Item 7c.
Dark Skies Discussion**DRAFT****RESOLUTION NO. 15-00****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 – 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 recommends that the City Council adopt said Ordinance No. 14-00, the title of which is provided in this Resolution.

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

Chris Heidrick	_____	Jason Maughan	_____
Chuck Kettelman	_____	Holly Smith	_____
Tom Krekel	_____	John Talmage	_____
Phillip Marks	_____		

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

SANIBEL PLANNING COMMISSION

Signed: _____
Phillip Marks, Planning Commission Chair

_____ Date Signed

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

_____ Date Signed

Date Filed With City Manager: _____