

**CITY OF SANIBEL
LEGAL DEPARTMENT**



TO: Members of City Council

FROM: Kenneth B. Cuyler *KBC*
City Attorney

DATE: February 24, 2015

RE: Additional proposed revision to the Dark Sky Ordinance relating to glare

You may recall that glare from lights being directed towards streets, shared use paths, parking lots and/or adjacent properties has been the subject of discussion by members of the public at previous meetings on the topic of the Dark Sky Ordinance. After discussion of this issue with Vice Mayor Congress, I have prepared the attached subparagraph (f), which is highlighted in blue for your ease of reference.

Most of this language actually exists in today's Code of Ordinances and it can be found as the last sentence of subparagraph (e)(1) which is highlighted in yellow with "strike-through" wording. Rather than simply eliminating the existing language, I have slightly rephrased the sentence and added the "adjacent properties" wording so that it now reads as set forth in proposed subsection (f).

Note: the additional language highlighted in green is from my previous memo dated January 28, 2015 which explains those revisions. That Memorandum is also in the backup materials for the Dark Sky Ordinance agenda item.

I will be available at the March 3, 2015 City Council meeting to discuss these revisions during your consideration of the proposed Dark Sky Ordinance. If you have any questions prior to that time, please let me know.

KBC/jg

Cc: Judith A. Zimomra, City Manager
Pamela Smith, City Clerk
Jim Jordan, Planning Director

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 ~~as described in Subsection 4 below~~ 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. Lights that are properly installed within or under an architectural space or feature (such as a porch roof, roof overhang, eave or similar architectural feature) shall be permitted to remain after January 1, 2018 until such time as they are either replaced or relocated (and such lights shall not be considered uplighting even where such architectural feature is not the functional equivalent of a full cutoff feature). 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 except as described in subsection (4) below, and uplighting shall be strictly prohibited as of January 1, 2018.

(4) Notwithstanding the above provisions of this section, a pole light where the fixture has an opaque cover, cap or top constructed as part of the fixture assembly shall be permitted to remain after January 1, 2018 until such time as it is replaced or relocated.

(f) Prohibition on luminaires causing glare to motorists, cyclists and adjacent properties.

Notwithstanding any other provision of this division of the code, all luminaires that direct light toward streets, shared use paths or parking lots that cause glare to motorists or cyclists, or that direct light towards adjacent properties that cause glare to the occupants of such properties, shall be either shielded or redirected so that the luminaires do not continue to cause a potential hazard.