CITY OF SANIBEL

ORDINANCE NO. 14-004

AN ORDINANCE AMENDING CHAPTER 126 OF THE SANIBEL CODE OF ORDINANCES ENTITLED "ZONING", ARTICLE XIV, "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 4 – "OUTDOOR LIGHTING" , SECTION 126-997 "OUTDOOR LIGHTING GENERALLY", IN ORDER TO EXTEND THE DATE FOR ALL OUTDOOR LIGHTING (OTHER THAN LIGHTING FOR MARINE TURTLE PROTECTION) WITHIN THE CITY OF SANIBEL TO BE BROUGHT INTO COMPLIANCE; EXTENDING THE CURRENT COMPLIANCE DATE OF JANUARY 1, 2015 TO A REVISED COMPLIANCE DATE OF _____; SPECIFYING THAT COMPLIANCE WITH LIGHTING FOR MARINE TURTLE PROTECTION IS CURRENTLY REQUIRED AND IS NOT BEING EXTENDED OR OTHERWISE AFFECTED BY THE REVISED COMPLIANCE DATE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has reviewed the current compliance date of the Sanibel Code requirements generally known as the "dark sky" ordinance, which compliance date is currently January 1, 2015; 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 extend the compliance date for the "dark sky" ordinance to accomplish such purposes; and

WHEREAS, the extension of such compliance date does not include and is not intended to provide any extension for any time period relating to compliance with the 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 126-997 "OUTDOOR LIGHTING GENERALLY", be amended with additions indicated by underlining and deletions indicated by strike-through, 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.

(1)

All land uses. A development permit is required to add or replace outdoor lights in the Gulf Beach or Bay Beach zones.

(2)

Single family and duplex dwelling units located on an individual lot. 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. 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) *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 and 126-999 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 in an architectural space (such as under a porch roof or a roof overhang) which provides the functional equivalence of a full cutoff fixture, 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 pressure sodium lighting is permitted and encouraged.

(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 footcandles, measured at two feet above ground level.

(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.

(e) *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) 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, 2015~~ _____. By this date, all outdoor lights shall be brought into compliance with the standards of this section.

However, any luminaire that replaces a lawfully existing luminaire, or any lawfully existing luminaire that is moved, must meet the standards of this section.

SECTION 2. Codification. 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 3. 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 4. 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 5. 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 _____, 2014.

AUTHENTICATION:

_____ _____

Kevin Ruane, Mayor Pamela Smith, City Clerk

APPROVED AS TO FORM: Kenneth B. Cuyler 4/28/14

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: _____