



Fort Myers Beach Management & Planning Session

**Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931**

Agenda

Thursday, March 4, 2021

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

- A. Lee County Update - written report only
Update of Lee County projects on Fort Myers Beach
- B. Comprehensive Plan Update Status
The Corradino Group will provide a project status of the Comprehensive Plan updates
- C. Preview of draft updated website
As authorized by Town Council, staff launched a redesign of the website to bring it into ADA compliance, change the look and colors to match the Town's new branding strategy, edit and fix outdated content, and restructure the navigation system to make content more easily accessible to website visitors.
- D. Code Enforcement Strategies
Code Enforcement Discussion
- E. Lighting Study Stakeholder Meeting Assignment of Representatives
To select/appoint members to represent the community as "Stakeholders" for a meeting to guide the Lighting Study.
- F. Mechanical Noise
Discussion about mechanical equipment and techniques to mitigate potential impacts of noise.
- G. Sea Turtle Conservation Ordinance
Discuss proposed changes to Sea Turtle Conservation Ordinance.

IV. AGENDA MANAGEMENT

A. 03.04.2021 report

V. ADJOURNMENT

NOTE: THIS MEETING IS TELEVISED LIVE ON COMCAST CHANNEL 98.

IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.



For special accommodations, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the Town Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.

1. **Requested Motion:**

Meeting Date: March 4, 2021

Update of Lee County projects on Fort Myers Beach

Why the action is necessary:

What the action accomplishes:

Facilitates communications between the Town and County

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

5. **Background:**

Attachments:

1. Estero Blvd Update for 3.4.2021 MP

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

John R Herin Jr, Town Attorney

Date: February 24,
2021

Roger Hernstadt, Town
Manager

Date: February 25,
2021

**Estero Boulevard Update to Town of Fort Myers Beach
Management & Planning 03/04/2021 Meeting
Estero Boulevard Segments 3 & 4 and 5 & 6**

Estero Boulevard Segments 3 and 4 - Current Status:

- Final paving for Segment 3 and 4 was completed on 2-19-21.
- Restoration and final items to be addressed.
- Project close-out to be completed by 03-17-21.

Estero Boulevard Segments 5 and 6 - Current Status:

- Construction activities in Segments 5 and 6 are taking place in four locations:
 - 1. Albatross Street to Lenell Road - Northbound lane**
 - Generally complete
 - Asphalt paving (structural course) was placed on 2-22-21.
 - Restoration to be completed after final paving
 - 2. Lenell Road to Buccaneer Drive - Northbound lane**
 - CenturyLink installed new conduits and completed their work in this area as of 2-22-21.
 - Pipe crews resumed installation of storm drain on 2-23-21.
 - Concrete, roadway, and restoration crews to follow once storm drain installation is complete.
 - 3. Buccaneer Drive to Estrellita Drive - Northbound lane**
 - Crews are working south to north in this section.
 - Right-of-way is being cleared.
 - Crews are installing storm drain pipe from the south to the north in this section.
 - CenturyLink is working ahead of storm drain pipe crews relocating an existing phone line in conflict with the new pipe.
 - Approximately 30% of storm drain pipe has been installed in this section (from Estrellita Drive to near Carlos Pointe Beach Club).
 - Concrete, roadway, and restoration crews to follow once storm drain installation is complete.
 - 4. Outfall between Santa Maria and Bella Lago**
 - Storm drain work is complete.
 - Connection to seawall is complete.
 - Restoration is complete.

1. **Requested Motion:**

Meeting Date: March 4, 2021

The Corradino Group will provide a project status of the Comprehensive Plan updates

Why the action is necessary:

Status update for the Comprehensive Plan and Land Development Code review

What the action accomplishes:

Town Council requested an update on the progress

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

5. **Background:**

Staff and the Town's Comprehensive Plan Consultant will provide a presentation updating the Town Council on the status of the Comprehensive Plan update, next steps, and public outreach.

Attachments:

Financial Impact:

The consultant will need a future STA approved to continue progress

6. **Alternative Action**

7. **Staff Recommendations:**

Provide feedback, direction, hot topics to the consultant

8. **Recommended Approval:**

Jason Green, Community Development
Services

Date: February 25,
2021

John R Herin Jr, Town Attorney

Date: February 25,
2021

Amy Baker, Town Clerk

Date: February 25,
2021

Roger Hernstadt, Town Manager

Date: February 26,
2021

1. **Requested Motion:**

Meeting Date: March 4, 2021

As authorized by Town Council, staff launched a redesign of the website to bring it into ADA compliance, change the look and colors to match the Town's new branding strategy, edit and fix outdated content, and restructure the navigation system to make content more easily accessible to website visitors.

Why the action is necessary:

The draft look and navigation structure of the homepage and the internal pages is nearly complete and it's time for Town Council to have a preview before CivicPlus is given the ok that this stage is final and content can start to be manipulated.

What the action accomplishes:

Keeps Town Council informed about progress on the update of the Town's website.

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

Other

5. **Background:**

As authorized by Town Council, the PIO and a task force of three other staff, who edit content on some parts of the website, began the process of reviewing the Town's site (800-plus pages) and creating a plan and process to update it with the new branding logo, colors and strategy, restructured layout and navigation system, revised internal content management system, and edited content. The process involved contracting with the website's longtime vendor CivicPlus for a full website redesign and ADA compliant management, working through several revisions of the look and structure of the homepage and internal pages, and developing a new site map to rearrange the navigation and content.

The overall strategy is to arrange content so that site visitors click no more than 3 times to get the information they are looking for.

Attachments:

Financial Impact:

Costs for website update were allocated in this year's budget

6. **Alternative Action**

7. **Staff Recommendations:**

Preview the draft look and layout of homepage and internal pages so that the project can move to implementing the site map and arranging and modifying current content

8. **Recommended Approval:**

Date: February 24,
2021

John R Herin Jr, Town Attorney

Date: February 25,
2021

Amy Baker, Town Clerk

Date: February 25,
2021

Roger Hernstadt, Town
Manager

1. **Requested Motion:**

Code Enforcement Discussion

Meeting Date: March 4, 2021

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

5. **Background:**

Discussion of Code Enforcement Philosophy, Procedures, and Liens/Legal Issues

Attachments:

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

Jason Green, Community Development
Services

Date: February 26,
2021

John R Herin Jr, Town Attorney

Date: February 26,
2021

Amy Baker, Town Clerk

Date: February 26,
2021

Roger Hernstadt, Town Manager

Date: February 26,
2021

1. **Requested Motion:**

Meeting Date: March 4, 2021

To select/appoint members to represent the community as "Stakeholders" for a meeting to guide the Lighting Study.

Why the action is necessary:

As required as part of the contract documents for the lighting study, the consultant is required to hold a ZOOM Stakeholder's Meeting.

What the action accomplishes:

Appoints/Selects members of the community to partake in the stakeholders meeting for the lighting study.

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

Other

5. **Background:**

- Town Staff - Chelsea O'Riley, Chadd Chustz
- County Staff - Rob Phelan or designated representative
- a member of Turtle Time Inc. – Eve Haverfield or designated representative
- 2 members of the public - TBD by Town Council
- a member from the Fort Myers Beach Public Safety Committee – Mike Childs
- a member of the Marine Resource Task Force – Steve Johnson
- Hotelier or Vacation Rental Property Manager - TBD by Town Council
- Fort Myers Beach Chamber Representative - TBD by Town Council
- Fort Myers Beach Fire Department - Chief Love or designated representative
- Lee County Sheriff Office - Sheriff or designated representative

Attachments:

Financial Impact:

ZOOM kick off meeting will cost less than an in-person kick off meeting (\$19,370).

6. **Alternative Action**

Do not select members and designate to Town Manager.

7. **Staff Recommendations:**

8. **Recommended Approval:**

Date: February 22,
2021

Chelsea O'Riley, Public Works
Director

Date: February 23,

John R Herin Jr, Town Attorney

2021

Date: February 24,
2021

Amy Baker, Town Clerk

Date: February 25,
2021

Roger Hernstadt, Town Manager

1. **Requested Motion:**

Meeting Date: March 4, 2021

Discussion about mechanical equipment and techniques to mitigate potential impacts of noise.

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

5. **Background:**

Attachments:

1. FMB Memo - Mechanical Equipment Survey Summary

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

Jason Green, Community Development
Services

Date: February 25,
2021

John R Herin Jr, Town Attorney

Date: February 25,
2021

Amy Baker, Town Clerk

Date: February 25,
2021

Roger Hernstadt, Town Manager

Date: February 26,
2021

MEMO

February 24, 2021

To: Town Council

Thru: Roger Hernstadt

From: Jason Green, AICP, CFM

Re: Fort Myers Beach Mechanical Equipment

Sub: Mechanical Equipment Noise Nuisances (AC Units, Pool/Hot tub Equip., Generators, etc.)

Pursuant to Town Council discussion, staff has investigated the concern of mechanical equipment noise abatement and mitigation. Staff has conducted a survey of 10 beach communities, 5 on the east coast and 5 on the west coast. Below is the list of municipalities and their response to my inquiry. The ones in bold text have regulations that address mechanical equipment, such as, AC units, pool/hot tub equipment, generators including separation, setback and screening requirements:

- **Anna Maria Island** – Response: Regs in place (mainly addressing pool, mech equip not in setbacks), see Exhibit 1
- Cocoa Beach – Response: No regs, other than the standard noise ordinance
- Indian Rocks Beach – Response: No regs, other than the standard noise ordinance
- **Longboat Key** – Response: Regs in place, see Exhibit 2
- **New Smyrna Beach** – Response: Regs in place, See Exhibit 3
- Ormond beach – Response: No regs, other than the standard noise ordinance
- Ponce Inlet – Response: No regs, other than the standard noise ordinance
- Sarasota – No response at this time
- Treasure Island – Response: No regs, other than the standard noise ordinance
- Vero Beach – Response: No regs, other than the standard noise ordinance

Most communities didn't have specific regulations to address this matter. Those entities that did had differing approaches. The most common strategies are as follows:

- Increased setbacks from property line or separation from residential structure(s)
- Location to the rear of the property
- Options for screening or buffering

Below please find the specific regulations as a starting point for further discussions.

Exhibit 1

Anna Maria Island:

The AMI Noise ordinance specifically addresses pools; and, in addition, the following provisions as it relates to pool fountains, slides, etc. as well as setbacks.

(4) Swimming pools Swimming pools and hot tubs permitted after January 1, 2016 shall be counted as impervious surface coverage. Swimming pools and hot tubs permitted prior to January 1, 2016 and swimming pools and hot tubs included within the perimeter of the residence building, enclosed and under a conventional roof shall not be counted as impervious surface coverage. **Waterfalls, fountain features and pool slides are prohibited.** Permits may be issued for the repair or replacement of existing waterfalls, water features or pool slides. All impervious decking surrounding the pool and hot tub shall be counted as impervious surface coverage. **Caged and uncaged swimming pool, hot tubs and the swimming pool and hot tub equipment shall be set back from the lot line or property line the minimum setback required for the particular yard with the exception of the side yard setback which shall be ten feet. Uncaged swimming pool located on through lots shall be set back a minimum of five feet from the adjoining lot line or property line if the pool is located in the street yard which does not contain the structure's main entrance.** Pools permitted prior to January 1, 2016, shall be deemed as grandfathered related to the side yard setbacks. There shall be only one swimming pool per lot containing a residential unit. The swimming pool shall be for the use of the residential unit only and shall not be for any commercial activity.

Mechanical equipment including, but not limited to, air conditioner/heater, pool pumps, pool heaters, shall not be located within the setbacks.

Exhibit 2

Longboat Key:

Division 11. - Mechanical Equipment

158.119 - Mechanical equipment.

- (A) *General regulations.* All mechanical equipment located outside of a building shall conform to the regulations of this section, unless specifically excepted by other provisions of this chapter. In addition, necessary essential service facilities are not intended to be restricted by required yard areas. Mechanical equipment that is closer than ten feet to a principal structure is attached mechanical equipment. Mechanical equipment that is ten feet or further from a principal structure is unattached mechanical equipment.
- (B) *Residential districts.*
- (1) Mechanical equipment shall not be located in any required street yard.
 - (2) Mechanical equipment shall not be located in any required waterfront yard, except for mechanical equipment as provided for in section 158.096 "Minimum regulations for accessory structures" and as provided for in Section 158.099 "Structures over water."
 - (3) Mechanical equipment may be located within a required side or required rear yard, provided that the equipment shall not be closer than ten feet to any side or rear lot line.
 - (4) Mechanical equipment may be located in one, but not both required side yards on double-frontage lots, through lots, or corner lots, as defined in section 157.03.
 - (5) Unattached mechanical equipment located in a required yard may not exceed six feet above finished grade.
 - (6) Unattached mechanical equipment not located in a required yard may not exceed eight feet above finished grade.
- (C) *Tourism districts.*
- (1) Mechanical equipment shall not be located in any required street yard.
 - (2) Mechanical equipment shall not be located in any required waterfront yard, except mechanical equipment as provided for in section 158.096 "Minimum regulations for accessory structures" and as provided for in section 158.099 "Structures over water".
 - (3) Mechanical equipment may be located within a required side or required rear yard, provided that the equipment shall not be closer than ten feet to any side or rear lot line.
 - (4) Unattached mechanical equipment located in a required yard may not exceed six feet above finished grade.

Exhibit 2

Longboat Key (Cont'd):

- (5) Unattached mechanical equipment not located in a required yard may not exceed eight feet above finished grade.
- (D) *Districts other than residential or tourism.*
 - (1) Mechanical equipment may be located within a required street yard, except for Gulf of Mexico Drive, provided that the equipment shall not be closer than ten feet to the street right-of-way if the equipment is more than 50 feet from the nearest residential property. If the equipment is 50 feet or less from the nearest residential property, the equipment shall not be closer than 20 feet to the right-of-way.
 - (2) Mechanical equipment shall not be located in any required waterfront yard, except for mechanical equipment, as provided for in section 158.096 "Minimum regulations for accessory structures", and as provided for in section 158.099 "Structures over water."
 - (3) Mechanical equipment may be located within a required side or required rear yard, provided that the equipment shall not be closer than ten feet to any side or rear lot line.
 - (4) Unattached mechanical equipment located in a required yard may not exceed six feet above finished grade.
 - (5) Unattached mechanical equipment not located in a required yard may not exceed eight feet above finished grade.
- (E) *Screening.* Any installation, replacement or modification of external mechanical equipment, including, but not limited to, air conditioning systems and pool equipment, shall screen the equipment for both view and noise. Any fence, wall or landscaping installed in accordance with this section shall be at least equal to the height of the equipment on all sides and shall be maintained in good order to achieve the objectives of this section. Failure to maintain fences, walls or landscaping shall constitute a violation of this chapter. Mechanical equipment and screening must meet the requirements of section 158.117 "Intersection visibility."

(Ord. 2018-24, passed 4-1-19)

Exhibit 3

New Smyrna Beach:

Land Development Section 803.05: **Air Conditioners/heating, ventilation equipment, generators, and irrigation pumps**

- A. Air conditioning/heating, ventilation components generators, and irrigation pumps are not allowed to the side or rear of a dwelling opposite habitable portions of adjacent property owner's dwelling, such as a bedroom, dining room, living room, unless the component is set back from the opening of the habitable areas a minimum distance of twice the required yard width. Such equipment must be placed as close to the outer wall of the dwelling as possible. Air conditioning/heating, ventilation components, generators, and irrigation pumps may be placed in required yard areas opposite non habitable portions of the adjacent property owner's dwelling, such as a garage, a carport or a storage area provided the component is as close to the outer wall of the dwelling as possible. This provision does not apply to replacement air conditioner/heating, ventilation components, generators, and irrigation pumps for equipment placed prior to the effective date of the new Land Development Regulations. **Ord. # 95-20.**
- B. Air conditioning/heating, ventilation components, generators, and irrigation pumps which create noise, are located within 100 feet of residential property and are located on commercial or multi-family zoned property shall be baffled so as to reduce noise. **Ord. #95-20**
- C. Air conditioners, heating, ventilation, and generators or other accessory equipment located on the roof of buildings shall be screened from view. **Ord. #56-16**

1. **Requested Motion:**

Meeting Date: March 4, 2021

Discuss proposed changes to Sea Turtle Conservation Ordinance.

Why the action is necessary:

Interior light continues to be the most frequent cause of light pollution on the beach. Commercial businesses and multifamily condos continue to add lights that contribute to sky glow and do not meet Chapter 34, Article IV, Division 20. Lighting Standards.

What the action accomplishes:

15% tinting of windows meets for interior light mitigation to reduce light mitigation, particularly on vacation rentals, high rise resorts and condo properties.

Clarifying language regarding interior lighting visibility on the beach enables better enforcement.

Referencing Chapter 34, Article IV, Division 20. Lighting Standards could reduce sky glow

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

5. **Background:**

Marine Resource Task force conducted 1 year review of the 2020 Sea Turtle Conservation Ordinance.

The intent of changes is to accomplish the following:

Reduce interior light pollution onto sea turtle nesting habitat

- consider 15% tinting windows for new and remodel construction
- added definition for "new construction"
- add interior light check to Certificate of Occupancy inspection
- add more direct language regarding interior light visible on the beach

Reduce Sky Glow

- reference Lighting Standards (Chapter 34, Article IV, Division 20) in the Sea Turtle Conservation review and inspection for commercial and multifamily

Attachments:

1. 2021 Revision_ARTICLE_V.____SEA_TURTLE_CONSERVATION
2. Lighting Ordinance
3. 2021-02-16 MRTF request to Council to review changes to Sea Turtle Ordinance

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

Date: February 25,
2021

Daphnie Bercher, Community Services
Administrator

Date: February 25,
2021

John R Herin Jr, Town Attorney

Date: February 26,
2021

Amy Baker, Town Clerk

Date: February 26,
2021

Roger Hernstadt, Town Manager

ORDINANCE NO. 21-03

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING ARTICLE V OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE TOWN OF FORT MYERS BEACH ENTITLED “SEA TURTLE CONSERVATION”, PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER’S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town of Fort Myers Beach, Florida (“Town”) recognizes that artificial lighting and other human activities on the beach and upland areas have a detrimental effect on the life-cycle and nesting activities of sea turtles, which are an endangered species protected by federal and state law, and therefore subject to reasonable regulations as proposed herein; and

WHEREAS, the Town also recognizes that both its economy and the quality of life of its residents are enriched by a healthy sea turtle population; and

WHEREAS, the Town desires to minimize the detrimental impact on nesting sea turtle populations, and other listed sensitive wildlife by implementing a system of rules and regulations that reduces the amount of artificial light intentionally or unintentionally visible from beaches; and

WHEREAS, on March 15, 2021 the Town Council held a first reading of this proposed Ordinance; and

WHEREAS, on April 5, 2021 the Town Council held a second reading of this proposed Ordinance.

NOW THEREFORE IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA:

1/ Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~striketrough~~.

Section 1. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. Amend Article V of Chapter 32 of the Code of Ordinances of the Town of Fort Myers Beach entitled "Sea Turtle Conservation s hereby adopted to read as follows:

CHAPTER 32 – WATERWAYS AND BEACHES

ARTICLE V. - SEA TURTLE CONSERVATION

Sec. 32-101. - Article purpose and objectives.

The purpose of this article is to protect nesting and hatchling sea turtles on the beaches in the Town of Fort Myers Beach ("town") by ensuring that their nesting habitat is not degraded by artificial light. The objective of the article is to ensure artificial light does not interfere with sea turtle nesting and hatching events through the appropriate design and implementation of coastal lighting systems. In order to further the objective of full implementation, this article also includes provisions designed to educate residents and beach users in the town on the benefits of appropriate coastal lighting and provides for weekly inspections to ensure compliance with the acceptable lighting standards.

Sec. 32-102. - Applicability.

The provision of this article shall apply to all properties within the town that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach, regardless of whether those properties are beachfront properties; and to all buildings and related infrastructure, including landscaping, as well as all other activities that may adversely impact sea turtles.

Sec. 32-103. - Definitions.

For the purposes of this article, the following words and phrases will have the meanings respectively ascribed to them by this section unless the context clearly indicates otherwise:

Artificial light means the light emanating from any human-made device.

Beach means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation.

Cumulatively visible means light from numerous artificial light sources on a single property that as a group are directly or indirectly visible to an observer standing anywhere on the beach.

Directly visible means visibility of the glowing elements, lamps, globes, or reflectors of an artificial light source by an observer standing anywhere on the beach.

Disorientation means an event caused by direct, indirect, or cumulative artificial lighting on sea turtle nesting habitat resulting in the disruption in the ability of nesting sea turtle females and sea turtle hatchlings to find the sea from the beach.

Footcandle means the English unit for measuring illuminance; the uniform illumination of a surface one foot away from a point source of one candela; one lumen per square foot; equal to 10.76 lux.

Frontal dune means the first natural or man-made mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

1/ Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~striketrough~~.

Full cutoff means a lighting fixture constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the luminaire, is projected at or above 90 degrees as determined by photometric test or certified by the manufacturer.

Fully shielded means a lighting fixture constructed in such a manner that the glowing elements, lamps, globes, or reflectors of the fixture are completely covered by an opaque material to prevent them from being directly visible from the beach. Any structural part of the light fixture providing this shielding must be permanently affixed.

Indirectly visible means visibility of reflected light as a result of glowing elements, lamps, globes, or reflectors of an artificial light source which is visible to an observer standing anywhere on the beach without the light source being directly visible.

Lighting plan means plan view and cross section drawings describing location, number, wattage, wavelength, elevation, orientation, fixture cut sheets, and all types of proposed exterior artificial light sources, including, but not limited to, artificial lighting affixed to permanent structures, outdoor lighting, pool lighting, and internally or externally lighted signs.

Long wavelength means a luminaire emitting light wavelengths of 560 nanometers or greater and absent wavelengths below 560 nanometers. Lamps that meet the definition of long wavelength through the use of filters, gels, or lenses are not permitted.

New Construction means all new construction of or additions and alterations to buildings, pools, pavement, other structures, landscape areas or lighting systems, including the change or resumption of land use.

Nesting season means the nesting period for sea turtles is from May 1 through October 31 of each year. Nesting season may be extended before or after these dates on an annual basis based on nesting activity observed in the Town of Fort Myers Beach.

Nighttime means the locally effective time period between sunset and sunrise.

Non-egress lighting means lighting that is not being used to light a distinct path or meet minimum requirements for emergency egress, including but not limited to, decorative lights (e.g., Christmas lights, strobe lights, string lights, etc.), balcony lights, ceiling fan lights, landscape lights, and uplights.

Outdoor area means any portion of a property that could have an artificial light source not attached to a permanent structure, including but not limited to, pathway lighting, landscape lighting, pool lighting, etc.

Sea turtle means any turtle, including all life stages from egg to adult, of these species: Green (*Chelonia mydas*), Leatherback (*Dermochelys coriacea*), Loggerhead (*Caretta caretta*), Hawksbill (*Eretmochelys imbricata*), and Kemp's Ridley (*Lepidochelys kemp*i). For the purposes of this article, the term sea turtle is synonymous with marine turtle.

Sea turtle nesting habitat means all sandy beaches adjoining the waters of the Atlantic Ocean, the Gulf of Mexico, and the Straits of Florida in all coastal counties and all inlet shorelines of those beaches. Nesting habitat includes all sandy beach and unvegetated or vegetated dunes immediately adjacent to the sandy beach and accessible to nesting female turtles.

Take means an act that actually kills or injures marine turtles, and includes significant habitat modification or degradation that kills or injures marine turtles by significantly impairing essential behavioral patterns, such as breeding, feeding, or sheltering.

Temporary lighting means any non-permanent light source that may be hand-held or portable including, but not limited to, tiki torches, lanterns, flashlights (including cell phone flashlights), candles, flash photography, etc.

Tinted glass means glass modified via tinting, film or other material to reduce the inside to outside light transmittance value to 15 percent.

1/ Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~striketrough~~.

Sec. 32-104. - Annual public notice.

At least 30 days prior to the commencement of every sea turtle nesting season, the town shall provide written notice summarizing the provisions contained in this article.

Sec. 32-105. - Exterior and Interior lighting affixed to new structures, new construction and improvements to existing structures.

- (a) All artificial lighting affixed to the exterior of new permanent structures, construction or additions shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required footcandles.
- (b) As an exception to (a) above, all non-egress lighting may be affixed to the landward exterior of permanent structures provided that the fixtures are fitted with a long wavelength source and are shall not be directly, indirectly, or cumulatively visible from any portion of the beach.
- (c) Lighting at egress points shall be limited to the minimum number of fixtures and footcandles necessary to meet federal, state, and local safety requirements.
- (d) Locations including, but not limited to, stairwells, elevators, parking garages, or courtyards shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach. Window film, tinting, light screens, shades or curtains shall be used to block visibility of interior lights from the beach. Light screens shall be used on open or enclosed staircases on the seaward or shore-perpendicular side of a building or for parking garages to limit visibility of lights from the nesting beach.
- (e) All glass windows, walls, railings and doors on the seaward and shore-perpendicular sides of any new construction shall utilize glass with an inside to outside light transmittance value of 15 percent or less.
- (f) Emergency lights shall be on a separate circuit and activated only during power outages or other situations in which emergency lighting is necessary for public safety.
- (g) Prior to issuance of a development order and/or building permit for all new structures, new construction and improvements to existing structures seaward of the Coastal Construction Control Line as defined by F.S. § 161.053, a town approved lighting plan meeting the provisions of this article and Chapter 34, Article IV, Division 20. – Lighting Standards is required.
- (h) Prior to issuance of a development order and/or building permit for all multifamily, commercial and industrial new structures, new construction and improvements to existing structures landward of the Coastal Construction Control Line as defined by F.S. § 161.053, a town approved lighting plan meeting the provisions of this article and Chapter 34, Article IV, Division 20. – Lighting Standards is required.
- (i) Prior to the issuance of a certificate of occupancy (CO) or a certificate of completion (CC), the exterior and interior lighting of new development shall be inspected after dark by the town, with all exterior and interior lighting turned on, to determine compliance with the approved lighting plan and this article. In addition, all manufacturer specification stickers shall remain affixed to all glass windows, walls, railings and doors on the seaward and shore-perpendicular sides of any new construction to determine compliance with the approved window and door specifications and plan.

Sec. 32-106. - Existing exterior and Interior lighting.

- (a) Existing artificial lighting affixed to the exterior of permanent structures shall not be directly, indirectly, or cumulatively visible from any portion of the beach during sea turtle nesting season.

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- (b) Appropriate techniques for existing exterior lighting to achieve compliance with the provisions of this article include, but are not limited to:
- (1) Reposition, modify or remove existing lighting fixtures so that the point source of light or any reflective surface of the light fixture is no longer directly, indirectly or cumulatively visible from the beach;
 - (2) Replace fixtures having an exposed light source with fully shielded fixtures;
 - (3) Replace any light source, light bulb or lamp that is not long wavelength (e.g., incandescent, fluorescent, or high intensity lighting) with the lowest wattage long wavelength (e.g., LED or low pressure sodium) light source or lamp available for the specific application;
 - (4) Replace non-directional fixtures with directional fixtures that point down and away from the beach;
 - (5) Provide shields for fixtures visible from the beach and not practical to immediately be replaced. Beachside shields are to cover 270 degrees and extend 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;
 - (6) Replace 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;
 - (7) Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;
 - (8) Construct a ground level barrier to shield light sources from the beach. Ground-level barriers must not interfere with sea turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach and dune system;
 - (9) Permanently remove or permanently disable any fixture which cannot be brought into compliance with the provisions of these standards;
 - (10) Televisions shall be shielded or positioned such that they are not directly, indirectly, or cumulatively visible from the beach.
- (c) Interior lighting shall not be directly, indirectly, or cumulatively visible from any portion of the beach during sea turtle nesting season.
- (e) (d) Appropriate techniques to achieve compliance for interior lighting with the provisions of this article include, but are not limited to: ~~The following measures can reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:~~
- (1) Apply window tint or film that meets the light transmittance standards for tinted glass;
 - (2) Rearrange lamps and other moveable fixtures away from windows;
 - (3) Use opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights from the beach.
 - (4) A combination of the above techniques may be required to achieve compliance with this article.

Sec. 32-107. - Outdoor areas.

- (a) All lighting of outdoor areas shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required footcandles.

- (b) All pathway lighting shall utilize low-level fixtures that do not exceed 42 inches in height. Fixtures shall be downward directed and utilize long wavelength lamps and beachside shields.
- (c) All non-egress outdoor lighting shall not be directly, indirectly, or cumulatively visible from any portion of the beach.
- (d) Internally or externally lighted signs shall not be located on the seaward and shore-perpendicular sides of any structures, and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.
- (e) Ponds and fountains on the seaward and shore-perpendicular sides of any structures shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.
- (f) Fire, including cooking fires, bonfires and fire pits, if permitted by the town, shall be shielded with an opaque structure or partition, and positioned such that the flame is not directly, indirectly, or cumulatively visible from any portion of the beach.
- (g) Televisions shall be located landward of the dune and shall be shielded or positioned such that they are not directly, indirectly, or cumulatively visible from the beach.
- (h) Handheld and other portable temporary lighting shall not be directed toward or used in a manner that disturbs sea turtles or other coastal wildlife.

Sec. 32-108. - Parking areas.

- (a) All lighting of parking areas shall be long wavelength, downward directed, full cutoff, fully shielded, and mounted to the minimum level required to maintain compliance with federal, state and local law.
- (b) Parking area lighting shall be shielded from the beach via vegetation, natural features, or artificial structures rising from the ground. These shall prevent artificial light sources, including but not limited to, vehicular headlights, from producing light that is directly, indirectly, or cumulatively visible from any portion of the beach.
- (c) Lighting of parking areas shall produce no more lighting than the minimum requirement as outlined by federal, state and local law.
- (d) Lighting of parking areas shall consist of either:
 - (1) Ground-level, downward-directed fixtures, equipped with interior dark non-reflective baffles or louvers, mounted either with a wall mount, on walls or piles, facing away from the beach, or
 - (2) Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the light source, and externally shielded 180 degrees on the side facing the beach, or
 - (3) Pole-mounted lights, if required, which shall:
 - a. Only be used in parking areas when mounting the lights at lower elevations cannot practicably comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety.
 - b. Located on the landward sides of buildings and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.
 - c. Mounted at the minimum height necessary to meet the minimum light level requirement.
 - d. Downward-directed onto non-reflective surfaces.

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- (4) Equipment yards, storage yards, and temporary security lights shall also adhere to the lighting restrictions contained herein.

Sec. 32-109. - Pool areas.

- (a) Lighting of pool decks, pool facilities, swimming pools, and spas shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required footcandles.
- (b) Lighting of the pool water surfaces and the pool wet deck surfaces shall comply with the minimum light levels set forth in applicable federal and state laws designed to protect public safety.
- (c) Above-water lighting of pool decks, pool facilities, swimming pools, and spas shall otherwise adhere to the applicable requirements for acceptable light fixtures set forth herein.
- (d) Underwater lighting of pools or spa light shall:
 - (1) Be mounted horizontally in the wall,
 - (2) Not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach, and
 - (3) Shall comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety.

Sec. 32-110. - Pier structures.

- (a) Lighting of pier structures projecting over the beach or over water shall be long wavelength, downward directed, and fully shielded.
- (b) Lighting of pier structures projecting over the beach, or over water, shall be mounted no higher than 42 inches above the deck surface. These shall be directed onto the deck surface only, preventing light pollution or light spillage beyond the walking surface.
- (c) Lighting of pier structures projecting over the beach or over water shall comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety.

Sec. 32-111. - Dune walkovers and beach access points.

- (a) Lighting of beach access points shall be restricted to that portion of the structure landward of the dune. All lighting of beach access points shall be long wavelength, downward directed, full cutoff and fully shielded and shall not be directly, indirectly, or cumulatively visible from the beach.
- (b) Lights are allowable on dune walkovers or elevated boardwalks only as required for building code purposes and may only be installed landward of the frontal dune. Walkover lighting shall not be directly, indirectly or cumulatively visible from the beach.

Sec. 32-112. - Special events, vehicles, raking and temporary lighting.

- (a) All special events or construction taking place on or adjacent to the beach require a permit from the town, and may require a permit from the Florida Department of Environmental Protection.
- (b) Lighting associated with a special event that may directly, indirectly, or cumulatively be visible from any portion of the beach shall not be authorized at nighttime during sea turtle nesting season.
- (c) The operation of all vehicles, except emergency and law enforcement vehicles or those permitted on the beach for sea turtle conservation in accordance with F.S. § 379.2431(1), or

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other research and conservation, shall be prohibited on the beach at nighttime during sea turtle nesting season. Excepted, non-emergency vehicles shall affix red filter to their headlights when operating on sea turtle nesting habitat at nighttime.

- (d) Beach raking activities during sea turtle nesting season, if permitted by the town, shall not:
 - (1) Operate at nighttime;
 - (2) Begin before 9:00 a.m. or before the completion of daily monitoring for turtle nesting activity by the Florida Fish and Wildlife Conservation Commission (FWC) authorized marine turtle permit holder, whichever occurs first;
 - (3) Occur within ten feet of any marked sea turtle nest.
- (e) Within sea turtle nesting season, temporary work zone lighting for roadway construction and during declared emergencies shall be directed away from the beach to avoid illumination of or direct visibility from the beach. Work zone luminaires shall be shielded to avoid lighting areas outside of the immediate construction area.
- (f) All other temporary construction lighting shall be:
 - (1) Inclusive of all the standards herein, including utilizing fixtures that are long wavelength, downward directed, full cutoff, and fully shielded so light is not directly or indirectly visible from the beach, and
 - (2) Turned off during nighttime in sea turtle nesting season, or if temporary lighting is deemed necessary during sea turtle nesting season it shall only be allowed from 6:00 a.m. to 9:00 p.m., must be restricted to the minimal amount necessary, and shall incorporate all the standards herein, and
 - (3) Mounted less than eight feet above the adjacent floor or deck, measured from the bottom of fixture, and
 - (4) Restricted to the minimal number of footcandles necessary to conform to the applicable construction safety regulations.

Sec. 32-113. - Beach furniture and obstructions.

- (a) Man-made objects shall not obstruct sea turtle nesting habitat during nesting season during nighttime. All obstructions, including, but not limited to, beach furniture, cabanas, umbrellas, tents, personal watercraft, bikes, vehicles, and boats, shall be removed from sea turtle nesting habitat between the hours of 9:00 p.m. and 7:00 a.m. during sea turtle nesting season.
- (b) During sea turtle nesting season, permitted beach furniture vendors shall not place beach furniture onto sea turtle nesting habitat before 9:00 a.m., or prior to the completion of daily monitoring for sea turtle nesting activity by the FWC authorized marine turtle permit holder, whichever comes first.
- (c) No beach furniture or other man-made object shall be placed within ten feet of a marked sea turtle nest.

Sec. 32-114. - Take and disorientation.

- (a) A person, firm, or corporation shall not cause a disorientation of nesting sea turtles or sea turtle hatchlings.
- (b) A person, firm, or corporation shall not take, disturb, mutilate, destroy, cause to be destroyed, transfer, sell, offer to sell, molest, or harass any sea turtle species or hatchling, or parts thereof, or the eggs or nest of any sea turtle species.

Sec. 32-115. - Penalties.

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- (a) Any violation of this article may be prosecuted in accordance with the provisions set out in section 1-5 and chapter 2, article V of the Land Development Code.
- (b) This article may be enforced by any duly authorized law enforcement officer, town code enforcement officer or town designee.
- (c) The law enforcement officer, town code enforcement officer or town designee is authorized and empowered to make inspections at reasonable hours of all activities regulated by this article in order to ensure compliance with the provisions of this article. Any person who violates any provision of this chapter, or of any regulation or guideline that implements this chapter, shall be ordered immediately to stop all work.
- (d) Any person who takes any action or omission in violation of any provision of this article and fails to cure such violation after proper notice is provided, shall be subject to a fine of up to \$250.00 per day per violation for initial violations, and \$500.00 per day per violation for repeat violations. All penalties incurred as a result of violation of this article shall continue to accrue until such violations are cured.
- (e) Nothing contained herein will prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article. Such other lawful action will include, but will not be limited to, an equitable action for injunctive relief or an action at law for damages.

Secs. 32-116—32-140. - Reserved.

DIVISION 20. - LIGHTING STANDARDS

Sec. 34-1831. - Purpose and applicability of division.

(a) *Purpose.* The purposes of this division are:

- (1) To curtail and reverse the degradation of the night-time visual environment by minimizing light pollution, glare, and light trespass through regulation of the form and use of outdoor lighting; and
- (2) To conserve energy and resources while maintaining night-time safety, utility, security and productivity.

(b) *Applicability.* All new luminaires, regardless of whether a development order is required, must comply with the provisions and standards of this division.

(c) *Exemptions.* The following are generally exempt from the provisions of this division:

- (1) Emergency lighting required for public safety and hazard warning luminaires required by federal or state regulatory agencies;
- (2) Outdoor light fixtures producing light directly by the combustion of fossil fuels such as kerosene and natural or bottled gas;
- (3) Low wattage holiday decorative lighting fixtures (comprised by incandescent bulbs of less than eight watts each or other lamps of output less than 100 lumens each) used for holiday decoration; and
- (4) Lighting for public roads except as provided in § 14-77 of this LDC.

Sec. 34-1832. - Definitions.

The following words, terms and phrases, when used in this division, shall have the following meanings, unless the context clearly indicates a different meaning:

Back-lighted means a surface that is at least partially transparent and is artificially illuminated from behind.

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

Footcandle means the quantify of light striking a surface, measured in lumens per square foot.

Full cutoff means that a light fixture in its installed position does not emit any light, either directly or by reflection or diffusion, above a horizontal plane running through the lowest light-emitting part of the fixture. Additionally, the fixture in its installed position does not emit more than ten percent of its total light output in the zone between:

- (1) The horizontal plane through the lowest light-emitting part of the fixture, and
- (2) Ten degrees below the horizontal plane (80 degrees above the vertical plane).

Lumen means a unit of light emission. For example, incandescent light bulbs with outputs of 60, 75, and 100 watts emit approximately 840, 1170, and 1690 lumens respectively.

Luminaire means a complete unit for producing artificial light, commonly referred to as a lighting fixture.

Mercury vapor means a high-intensity discharge light source that is filled with mercury gas under pressure and which emits a blue/white light.

Non-essential lighting means lighting that is not necessary for an intended purpose after the purpose has been served. For example, lighting for a business sign, architectural accent lighting, and parking lot lighting may be considered essential during business or activity hours, but is considered non-essential once the activity or business day has concluded.

Shielded means that an outdoor light fixture that is fully and permanently blocked by a physical device or by its integral design from discharging light in specific directions.

Sec. 34-1833. - Technical standards for lighting.

(a) *Generally.* This section contains minimum and maximum standards that apply whenever outdoor lighting is provided.

(1) In addition to the standards and criteria in this section, there are standards for artificial lighting near sea turtle nesting habitat in ch. 14, article II of this code.

(2) When specific standards are not addressed in these sources, the standards of the Illuminating Engineering Society of North America (IESNA) will apply.

(b) *Specific standards.*

(1) *Illuminance.* The following table indicates minimum and maximum illumination levels. These levels are specified for general use categories and are measured in footcandles on the task surface (for example, the lighted parking lot or walkway) with a light meter held parallel to the ground, facing up, unless otherwise specifically stated.

Use/Task	Minimum (1)	Maximum (average) (1), (2), (3), (4)
PARKING LOTS - MULTIFAMILY:		
Medium vehicular/pedestrian activity	0.8	3.2
Low vehicular/pedestrian activity	0.3	1.2
PARKING LOTS - COMMERCIAL/INSTITUTIONAL/MUNICIPAL:		
Medium activity, e.g., major shopping districts, cultural/civic/ recreational facilities	0.8	3.2
Low activity, e.g., neighborhood retail, offices, employee parking, school/church parking	0.3	1.2
NONRESIDENTIAL WALKWAYS & BIKEWAYS	0.3	1.5

CANOPY OVER FUEL PUMPS	6.0	30.0
<i>NOTES:</i>		
(1) The specified illumination levels are the initial levels to be measured at the time of final inspection for a certificate of compliance. Outdoor lighting must be maintained so the average illumination levels do not increase above the specified maximum values. The minimum illumination levels may decrease over time consistent with the Light Loss Factor (LLF) associated with the installed fixtures.		
(2) In no case may the illumination exceed 0.5 footcandles measured at the property line. The amount of illumination projected onto a residentially zoned property or use from another property may not exceed 0.2 footcandles measured at 10 feet from the property line onto the adjacent residential property.		
(3) Maximum values listed in this column are the average of actual measurements taken throughout the lighted area at the time of final inspection.		
(4) Where all-night safety or security lighting is to be provided, the lighting intensity levels should provide the lowest possible illumination to discourage crime and undesirable activity and to effectively allow surveillance, but may not exceed 50 percent of the levels normally permitted for the use as specified in this code.		

- (2) *Lamp standards.* Lamp types and colors must be in harmony with the adjacent community, any special circumstances existing on the site, and with surrounding installations. Lamp types must be consistent with the task and setting and should not create a mix of colors unless otherwise specifically approved by the director for a cause shown. Specifically, mercury vapor lamps are prohibited. Lighting of outdoor recreational facilities (public or private) such as athletic fields and tennis courts is exempt from the lamp type standards provided that all other applicable provisions are met.
- (3) *Luminaire (fixture) standards.* Fully shielded, full cutoff luminaires with recessed bulbs and flat lenses are the only permitted fixtures for outdoor lighting, with the following exceptions:
 - a. Luminaires that have a maximum output of 260 lumens per fixture (the approximate output of one 20-watt incandescent bulb), regardless of number of bulbs, may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
 - b. Luminaires that have a maximum output of 1,000 lumens per fixture (the approximate output of one 60-watt incandescent bulb), regardless of number of bulbs, may be partially shielded, provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.
 - c. Sensor-activated lighting may be unshielded provided that:
 - 1. The light is located in such a manner as to prevent direct glare and lighting into properties of

- others or into a public right-of-way; and
- 2. The light is set to only go on when activated and to go off within five minutes after activation has ceased; and
- 3. The light must not be triggered by activity off the property.
- d. Flood or spot luminaires with a lamp or lamps rated at 900 lumens or less may be used except that no spot or flood luminaire may be aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, or directed skyward, or directed towards the shoreline areas.
 - 1. The luminaire must be redirected or aimed so that illumination is directed to the designated areas and its light output controlled as necessary to eliminate such conditions.
 - 2. Illumination resulting from such lighting must be considered as contributing to the illumination levels specified herein.
- e. All externally illuminated signs must be lighted by shielded fixtures mounted at the top of the sign and aimed downward. Illumination resulting from sign lighting must be considered as contributing to the illumination levels specified herein.
- f. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art must be located, aimed, and shielded so that light is directed only on those features. Such fixtures must be aimed or shielded to minimize light spill onto adjacent properties or into the night sky in conformance with illumination and luminaire standards.
- g. All non-essential exterior commercial lighting must be turned off after business hours.
- (4) *Luminaire mount standards.* The following standards apply to luminaire mountings:
 - a. *Freestanding luminaires.* Light poles must be placed on the interior of the site. When light poles are proposed to be placed on the perimeter of the site, specific consideration should be addressed to compliance with the illumination standards at the property line and off the property onto adjacent residential property. The maximum height of light poles for parking lots and vehicular use areas may not exceed 15 feet measured from the ground level directly below the luminaire to the bottom of the lamp itself (see additional restrictions in ch. 14 of this LDC for luminaires near sea turtle nesting habitat). Light poles located within 50 feet of a residentially zoned property or use may not exceed 12 feet. Poles used to illuminate pedestrian walkways may not exceed 12 feet. Lighting of outdoor recreational facilities (public or private) such as athletic fields and tennis courts is exempt from the mounting height standards provided that all other applicable provisions are met.
 - b. *Building-mounted luminaires.* These luminaires may only be attached to the building walls and the top of the fixture may not exceed the height of the parapet for flat-roofed buildings or the lowest point on the nearest sloped roof.
 - c. *Canopy lighting.* Luminaires mounted on the underside of a canopy must be fully shielded full cutoff fixtures. As an alternative (or supplement) to canopy ceiling lights, indirect lighting may be used where the light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively

on the underside of the canopy. No part of the canopy may be back-lighted. Lights may not be mounted on the top or sides (fascias) of the canopy. The sides (fascias) of the canopy may not be illuminated in any manner.

- d. *Trees and landscaping.* To avoid conflicts, locations of all light poles and fixtures must be coordinated with the locations of all trees and landscaping whether existing or shown on the landscaping plan. Vegetation screens may not be employed to serve as the means for controlling glare. Glare control must be achieved through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement.

Sec. 34-1834. - Permits for lighting.

- (a) *Development order and building permit criteria.* The applicant for any development order or building permit involving outdoor lighting fixtures, must submit as part of the application evidence that the proposed work will comply with the outdoor lighting standards of this code. Specifically the submission must include the following:
 - (1) Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
 - (2) A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description must include manufacturer's catalogue cuts and drawings, including pictures, sections, and proposed wattages for each fixture.
 - (3) All applications for development orders or building permits, except for single-family and two-family building permits, must provide photometric data, such as that furnished by the manufacturer of the proposed illuminating devices, showing the angle of cutoff and other characteristics of the light emissions including references to the standards contained herein.
 - (4) All applications for development orders or building permits, except for single-family and two-family building permits, must provide photometrics in initial footcandles output for all proposed and existing fixtures on-site shown on a 20-foot by 20-foot grid on an appropriately scaled plan. On-site lighting to be included in the calculations must include, but is not limited to, lighting for parking lot, canopies, and building-mounted and recessed lighting along the building facades and overhangs. The photometric plan must include a table showing the average, minimum, and maximum footcandles of illumination on the site and within 50 feet of the site and the calculations deriving the averages. Evidence must be provided demonstrating that the proposed lighting plan will comply with the requirements of this code. The use of a light loss factor (LLF) is not permitted in these photometrics. This photometric plan must be coordinated with the landscape plan to identify the location of trees and other landscaping features with respect to the lighting devices. Rejection or acceptance of the photometric plan will be based on this code.
- (b) *Compliance.*
 - (1) Prior to the final inspection for a certificate of compliance pursuant to § 10-183 of this LDC, site-verified footcandle readings must be provided demonstrating that the outdoor lighting, as installed, conforms with the proposed photometrics and the letter of substantial compliance provided by a registered professional engineer must include a certification that the outdoor lighting is in compliance with this code.

- (2) If any outdoor light fixture or the type of light source therein is changed after the permit or development order has been issued, a change request or development order amendment must be submitted for approval together with adequate information to assure compliance with this code. This request or amendment must be approved prior to installation of the proposed change.
- (3) Outdoor lighting must be maintained in compliance with this code.
- (c) *Existing outdoor lighting.* Light pole height requirements do not apply to existing light poles. Existing light fixtures must be brought into compliance with this code by January 1, 2010. Any fixtures replaced after the date of the adoption of this code must be replaced with fixtures that comply with the standards established herein. Illuminance levels specified in this code apply to all outdoor lighting.

Secs. 34-1835—34-1860. - Reserved.



February 16, 2021

Request for Town Council to consider updates to current Article V. - Sea Turtle Conservation Ordinance.

Initiative	Status	Next Steps	Notes
Sea Turtle Ordinance	Review	Discussions held and modifications introduced. Town Liaison to complete edit of document for Town Council Review and update.	New model ordinance adopted in 2019. Conducted a 1 year review of the new ordinance and investigate any shortfalls from a Town management perspective.

The Marine Resource Task force has reviewed and provided suggestions to Staff Liaison to prepare changes to document for Town Council review.

Specifically:

- Expand the definition of New Construction to include additions, alterations to building, pools, etc
- Include “interior” along with “exterior” to language involving lighting plans for new structures.
- Add specific language for interior lighting to ensure interior lighting shall not be directly, indirectly, or cumulatively visible from any portion of the beach during sea turtle nesting season.
- Edit language that reviews various techniques for interior lighting to achieve compliance with the ordinance.
- Added language stating that multiple techniques may be needed to achieve compliance.

Our purpose is to improve language in the ordinance to allow all parties better understanding and improve the ability of Town Staff to manage and administrate the ordinance effectively.

AGENDA MANAGEMENT

148	LDC/Comp Plan Status Report from Corradino Group	PL&Z	added 02.09.2021	03.04.2021 M&P
165	Bay Oaks Site Plan (future gym/ampitheater sites)	PW	added 02.09.2021	03.04.2021 M&P
169	Discussion: Code Enforcement (Complaint Driven/Observed)	Code	added 02.17.2021	03.04.2021 M&P
136	Mechanical Noise	TC	added 01.11.2021	03.04.2021 M&P
171	Preview of updated FMB website	Clerk/PIO	added 02.18.2021	03.04.2021 M&P
160	2nd Reading/Adoption: Chapter 6 Amendments (FL Bldg Code)	PL&Z	added 02.09.2021	03.15.2021
167	Corradino Group Phase 2 STA	PL&Z	added 01.26.2021	03.15.2021
154	Approval of Audit	Finance	added 01.26.2021	03.15.2021
158	2nd Reading/Adoption: Myerside CPD	PL&Z	added 02.09.2021	04.05.2021
163	4th of July Fireworks/Parade	Parks & Rec	added 02.09.2021	05.03.2021
164	Town Council meeting schedule (August - December)	Town Clerk	added 02.09.2021	05.15.2021
172	TECO Agreement	Finance	added 02.23.2021	April
137	Presentation: FDOT SR865 Project	Public Works	added 01.13.2021	May
155	Preliminary Millage	Finance		June
123	Veteran Tribute @ Bayside Park (BV)	TC (Veatch)	added 12.03.2020	TBD M&P
139	Acquiring HOA Beach Accesses (RH)	TC	added 01.21.2021	TBD M&P
140	Discussion: Regulations regarding footprint of a property (RH)	TC	added 01.21.2021	TBD M&P
168	Sea Turtle Ordinance updates	Environmental	added 02.17.2021	TBD M&P
170	Discussion: Bicycles Markings / Crosswalks on Estero (DA)	TC	added 02.17.2021	TBD M&P

County Estero Blvd. Update at the first M&P of each month