

# MEMORANDUM

**To:** Tom Harmer, Town Manager  
**From:** Allen Parsons, AICP  
Director, Planning, Zoning & Building Department  
**Report date:** June 22, 2021  
**Meeting date:** July 2, 2021  
**Subject:** Ordinance 2021-01, Amending Town Code Chapter 100, Marine Turtle Protection

## Recommended Action

Adopt Ordinance 2021-01.

## Background

The Town Commission continued its second reading and public hearing on Ordinance 2021-01 at their June 7, 2021 Regular Meeting. The continuation was provided to address two primary remaining subjects, described below, and to provide the Town Commission the opportunity to see these addressed in the Ordinance rather than editing the Ordinance during its public hearing. Ordinance 2021-01 has been updated to reflect the direction received at second reading, including:

- Providing a clearer distinction between the definitions, and by extension the associated lighting standards applicable to “existing development<sup>1</sup>” and “new development<sup>2</sup>.” It was noted that the current definition of new development could be read to encompass the development defined in existing development, including when any exterior lighting is altered or when any glass is replaced on an existing structure. The definition of new development has therefore been revised to clarify that, in the case of remodeling, associated new development lighting standards are applicable only when such remodeling is substantial (i.e. not when replacing a single window or a single light fixture).
- Eliminating separate lighting standard references to “floodlights, uplights, spotlights or decorative lighting” in the underline/strikethrough version of Ordinance 2021-01, Sections 100.03(C) (Lighting Standards for New Development) and 100.07(D) (Lighting Standards for Existing Development<sup>3</sup>). As discussed, a separately stated prohibition on these types of lighting is not necessary when both the existing development and new development lighting standards generally require the usage of turtle friendly bulbs and fixtures in exterior lighting sources.

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<sup>1</sup> “*Existing development*” is currently defined in Ch. 100 as “any building or structure for which a building permit has been issued prior to the adoption of this chapter.”

<sup>2</sup> “*New development*” is currently defined in Ch. 100 as it including “new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting or replacement of any glass or glazing.”

<sup>3</sup> Note: Section 100.07 “Existing development” has been retitled “Lighting standards for existing development” to be consistent with the naming of Sec. 100.03 “Lighting standards for new development.”

Attachment A, Ordinance 2021-01 illustrates recommended amendments in underline/strikethrough format (the changes noted above are highlighted). Attachment B, is a clean copy (i.e. with none of the underline/strikethrough changes illustrated) depicting a final version of Ordinance 2021-01, reflecting an updated Marine Turtle Protection Ordinance (Town Code Chapter 100).

Ordinance 2021-01 has a 6-month phase-in period (effective date of January 2, 2022) to allow the changes to become effective prior to the 2022 sea turtle nesting season and to provide time for additional education/outreach to our residents, beachfront property owners, and other properties affected. As discussed at the June 7, 2021 Regular Meeting, part of the education and outreach will include resources to help identify lighting products that are “turtle-friendly.” Unfortunately, the retail marketplace, through the wide variety of options, and product names, can be confusing for individuals shopping for turtle-friendly bulbs. In addition to resources such as the Florida Fish and Wildlife Conservation Commission’s “Certified Wildlife Lighting” references (see Attachment C for example), staff will provide resources for commercially available products use different names. Staff will also be working with the local hardware retailer to help customers find lighting products (which have been available), using terminology such as turtle-friendly or long wavelength lighting.

Note: Additional back-up materials presented at prior Commission Regular Meetings and Regular Workshop Meetings are included as part of the record.

### **Staff Recommendation**

Adopt Ordinance 2021-01.

### **Attachments**

- A. Ordinance 2021-01 Underline/Strikethrough Version (Available in Town Clerk’s Office)
- B. Ordinance 2021-01 Clean Version (Available in Town Clerk’s Office)
- C. Florida Fish and Wildlife Conservation Commission, Certified Wildlife Lighting, Fixtures and Bulbs webpage (Available in Town Clerk’s Office)
- D. PowerPoint Presentation (Available in Town Clerk’s Office)

**End of Agenda Item**