



CITY COUNCIL AGENDA STATEMENT

Meeting Date: March 12th, 2024
To: Honorable Mayor and City Council
From: Brian Shea, Planning Director
Through: George Garrett, City Manager

Agenda Item: **Ordinance 2024-04;** Creating Chapter 107, Article 15, “Lighting”; Providing Criteria For Both Residential And Commercial Lighting Standards; Amending Chapter 110 Definitions; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The Department Of Commerce After Final Adoption By The City Council; And Providing For An Effective Date.

RECOMMENDATION:

Staff recommends APPROVAL.

APPLICANT: City of Marathon

REQUEST:

The proposed ordinance has been drafted to create standards for lighting for both commercial and residential by creating Article 15 “Lighting” under Chapter 107 of the LDRs.

Purpose of Proposed Amendment:

The purpose of the amendment is to expand upon existing commercial lighting standards while incorporating standards for residential lighting.

AUTHORITY

Section 102.26. Planning Commission Recommendation.

- A. *Authority:* The PC shall consider a proposed text amendment at the request of the Council.
- B. *Review Criteria:* The PC shall review such proposed amendment, based upon the criteria listed below:
1. The need and justification for the change;
 2. The consistency of the proposed amendment with the Comprehensive Plan; and
 3. Whether the proposed change shall further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

C. *Findings:* The PC shall make a finding of whether the proposed amendment is consistent with the Comprehensive Plan and a recommendation shall be prepared and forwarded to the Council, indicating if the proposed amendment should be:

1. Approved as proposed;
2. Approved with amendments proposed by the PC; or
3. Denied

Section 102.27. - Hearing(s) by Council.

- A. The decision to process a text amendment is within the sole discretion of the Council.
- B. For any proposed text amendment, the Council shall hold a minimum of two (2) public hearings, conforming to the requirements of Fla. Stat. Ch. 166, before taking action on the amendment.

Section 102.28. - Action by Council.

Following the public hearings, the Council shall make a finding of whether the proposed text amendment is consistent with the Comprehensive Plan and may approve, approve with changes, or deny the proposed amendment.

As noted, review of proposed LDR text amendments is to be made based on three basic criteria: need and justification for change, consistency with the adopted Comprehensive Plan, and whether the proposed amendment will further the purposes of the LDRs, other ordinances, and actions taken to further the implementation of the Comprehensive Plan. The Planning Commission, in reviewing the proposed amendment, may recommend approval as is, approval with changes, or denial to the City Council.

ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:

Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:

A. The need and justification for the change;

The City of Marathon has existing language as it pertains to lighting and the protection of sea turtles. Additionally lighting standards exist as they pertain to commercial parking lots. However, no standards exist as lighting relates to residential that is not within view of turtle nesting beaches.

B. The consistency of the proposed amendment with the Comprehensive Plan; and

The proposed text amendment is consistent with the Comprehensive Plan and LDRs. This ordinance will aid in preventing adverse impacts of lighting on coastal resources, a requirement of Policy 4-1.3.1. It further affirms Policy 4-1.11.7 as it pertains to the protection of Sea Turtles.

C. Weather regulations change shall further the purposes of the LDRs and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

The proposed text amendments further the purposes of the LDRs and other City Codes, regulations

and actions designed to implement the Comprehensive Plan by code consistency. It also provides clarity and visual examples of both acceptable and unacceptable lighting.

CONCLUSION:

Staff indicates that the proposed text amendments are consistent with the standards and tenants of Chapter 163 and 380 F.S., and the City's Comprehensive Plan adopted under the requirements of these statutes and rules.

RECOMMENDATION:

Staff recommends APPROVAL.

Planning Commission recommended approval 3-0 with the proposed language in blue.

Sponsored By: Garrett

Public Hearing Dates: February 26, 2024

March 12, 2024

April 9, 2024

Enactment Date: April 9, 2024

**CITY OF MARATHON, FLORIDA
ORDINANCE 2024-04**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA; CREATING CHAPTER 107, ARTICLE 15, “LIGHTING”; PROVIDING CRITERIA FOR BOTH RESIDENTIAL AND COMMERCIAL LIGHTING STANDARDS; AMENDING CHAPTER 110 DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE DEPARTMENT OF COMMERCE AFTER FINAL ADOPTION BY THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulations Act, Chapter 163, *Florida Statutes*, provides for comprehensive plan implementation through the enactment of certain ordinances; and

WHEREAS, the City of Marathon is located within an Area of Critical State Concern, pursuant to Sections 380.05 and 380.0552, *Florida Statutes*; and

WHEREAS, Florida Keys’ Local Governments have adopted state-mandated Comprehensive Plans and Land Development Regulations pursuant to both Chapters 163 and 380.055, *Florida Statutes*, which have been approved by the State, as required by law; and

WHEREAS, the City of Marathon (“City”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, *Florida Statutes*; and

WHEREAS, it is the intent of the City Council to have consistent lighting regulations for both residential and commercial uses; and

WHEREAS, The City Council intends to adopt the language and further the policies of the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT

SECTION 1. The above recitals are true, correct, and incorporated herein by this reference.

SECTION 2. Chapter 107, Article 15, entitled “Lighting” is hereby adopted as attached in Exhibit A.

SECTION 3. Any provisions of the Code of Ordinances of the City of Marathon, Florida or Ordinances or parts of Ordinances that are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the “Ordinance” shall be changed to “Section” or other appropriate word.

SECTION 6. This Ordinance shall become effective immediately upon approval.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 9TH DAY OF APRIL, 2024.

THE CITY OF MARATHON, FLORIDA

Robyn Still, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk
(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE
CITY OF MARATHON, FLORIDA ONLY:**

Steven Williams, City Attorney

ARTICLE 107-15 OUTDOOR LIGHTING

Sec 107.125 Definitions

Sec 107.126 Outdoor Lighting Generally

Sec 107.127 Interpretation

Sec 107.125 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 luminaire's feature containing the lamp 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 lighting from shining directly onto other properties.

Hatchling means any species of marine turtle, within or outside of a nest, that 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.

~~Strikethrough~~ = deletion

Underline = addition

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.

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 kemp* (Kemp's ridley).

Marine turtle nesting season means the period from April 15 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.

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

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 luminaire's full cutoff feature. See [Appendix A](#).

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

Wallpacks means luminaires placed along the outer walls of buildings.

Sec 107.126 Outdoor Lighting Generally

~~Strikethrough~~ = deletion

Underline = addition

- (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 night skies.

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 (d).

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 nonconforming outdoor lighting as a condition of authorizing such development permit, except in accordance with the timetable in subsection (d).

- (b) Applicability. New or replacement luminaires and new construction must comply with the standards of Section 107.126(b). Existing luminaires shall comply with the timetable in Section 107.126(d).
- (1) All land uses. A development permit is required to add or replace outdoor lights.
 - (2) 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.
 - (3) Full cutoff fixtures must be used. All outdoor lighting, including display, sign, building, parking lot, and aesthetic lighting, must use full cutoff fixtures, which shine light downward.
 - (4) 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) shall be considered a functional equivalent to a full cutoff fixture and need not use full cutoff fixtures.
 - (5) The illustrations contained in [Appendix A](#) to this section are intended to provide examples of fixtures that comply and that do not comply with these standards and are part of these regulations.
 - (6) Mercury vapor lighting is prohibited. High- or low-pressure sodium lighting or other energy efficient and less environmentally hazardous types of lighting are permitted and encouraged. The City Council may approve, by resolution, new lighting technologies as they become available.
 - (7) In residential settings, motion-detecting security lighting is permitted and encouraged in order to maximize safety, minimize overall illumination, and conserve energy.
 - (8) Unshielded pole-mounted lighting is prohibited.
 - (9) Uplighting is prohibited, [excluding landscaping lighting](#).

~~Strikethrough~~ = deletion

Underline = addition

- (10) All commercial parking lot lighting shall also comply with the provisions of Section 107.54.
- (c) 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.
 - (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.
- (d) Existing nonconforming luminaires.
- (1) Any lawfully existing luminaire, with the exception of unshielded pole lighting (except as described in subsection (d)(4) below) and uplighting, that currently exists at the time of this division that is not in conformance with the standards set forth in Section 107.126(b) shall be ~~permitted to remain until such time as they are either replaced or relocated~~ replaced within 3 years of the effective date of this ordinance. 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 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).
 - (2) Any luminaire that replaces a lawfully existing luminaire, or any lawfully existing luminaire that is moved, must meet the standards of Section 107.126(b) at the time of its replacement or relocation.
 - (3) All lawfully existing unshielded pole-mounted lighting (except as described in subsection (d)(4) below), and uplighting shall be strictly prohibited.
 - (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 until such time as it is replaced or relocated.
- (e) Prohibition of 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.

Sec 107.128 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 appear to be in conflict with another provision of this division or another provision of this Land Development Regulations, the provision providing the greatest protection against glare, light trespass and sky glow shall apply.

~~Strikethrough~~ = deletion

Underline = addition

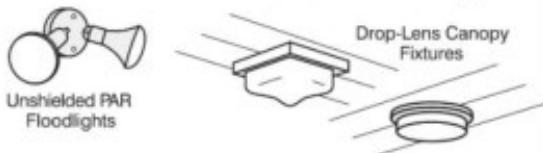
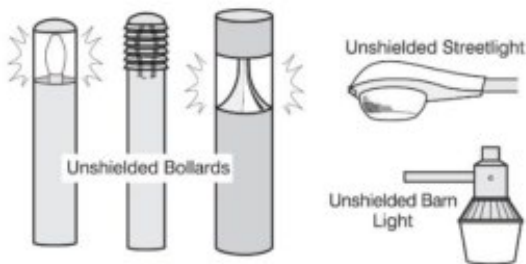
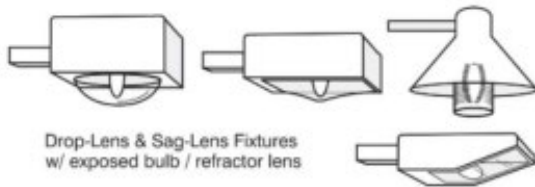
Appendix A Examples of Acceptable / Unacceptable Lighting Fixtures

APPENDIX A

Examples of Acceptable / Unacceptable Lighting Fixtures

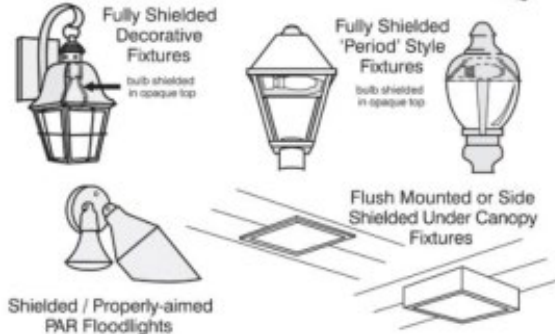
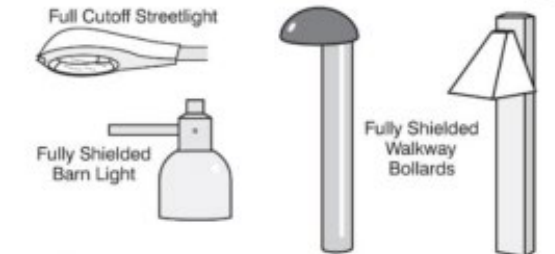
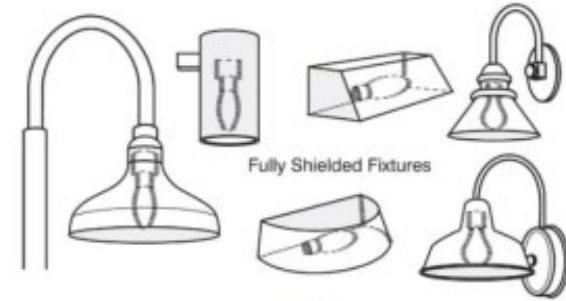
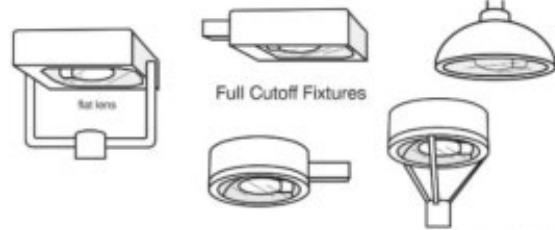
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

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



Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

~~Strikethrough~~ = deletion

Underline = addition