

DRAFT

North (Upper) Captiva Dark Skies

Chapter XX

OUTDOOR LIGHTING ON NORTH (UPPER) CAPTIVA

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Purpose.

The purpose of this section is to regulate outdoor lighting in public and private places in order to reduce or prevent light pollution or light trespass and to preserve the vision enjoyment of the night sky on North (Upper) Captiva.

Definitions.

1. *Lamp or Bulb* means the light-producing source installed in the socket portion of a luminaire.
2. *Luminaire or Fixture* means a complete lighting unit including the lamps or bulbs, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
3. *Light pollution* means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.
4. *Glare* means the brightness of a light source that causes eye discomfort.
5. *Disabling glare* means lighting that impairs visibility and creates a potentially hazardous situation for either pedestrians or motorists.
6. *Nuisance glare* means light that creates an annoyance or aggravation but does not create a potentially hazardous situation.
7. *Light trespass* means light emitted by a luminaire that shines beyond the property on which the luminaire is installed.
8. *Shielding* means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture where light is emitted.
9. *Accent lighting* means any directional lighting which emphasizes a particular object or draws attention to a particular area.

10. *Spotlight or Floodlight* means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Applicability.

- A. All outdoor lighting fixtures installed on private and public property including docks and bulkheads after the effective date of this ordinance shall comply. This ordinance does not apply to interior lighting. However, overly bright inside light emitted outdoors from any structure will be subject to control by this ordinance if it is determined that it creates a nuisance glare or a disabling glare as defined by this ordinance.
- B. All outdoor lighting fixtures existing and legally installed and operative before the effective date of this ordinance are exempt from these requirements unless they are determined to create a nuisance glare or a disabling glare as defined by this ordinance.
- C. When an existing fixture is replaced, the replacement fixture shall meet the requirements of this section.
- D. Compliance with this ordinance shall be administered by Lee County.
- E. In the event of a conflict with any other section of the Land Development Code, such as those related to sea turtle nesting habitat (14-78 and 14-79), the more stringent requirement shall apply.

Exemptions.

The following are exempt from the provisions of this ordinance:

- A. Street lights installed prior to the effective date of this ordinance. [*are there street lights on North (Upper) Captiva?*]
- B. Temporary emergency lighting (i.e. fire, police, repair workers).
- C. Vehicle lights.
- D. Navigation lights (i.e. airports, heliports, radio/television towers).
- E. Seasonal decorations with individual lights in place no longer than 60 days.
- F. Other special, temporary, or periodic events (i.e. rodeos, revivals, fairs, fiestas, carnivals, night-time construction) approved by Lee County. [*I don't know if you want to include this or not. Lee County does approve special events – but does North (Upper) Captiva events apply for them?*]
- ~~G. Security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than 10 to 12 minutes after activation. [*discuss*]~~

Submittals.

- A. Applications for building permits or applications for review by the Planning and Zoning Commission, which includes the installation of outdoor lighting fixtures for new construction, shall provide evidence of compliance with the requirements of this Ordinance. The submittal shall contain the following information and submitted as part of the site plan to the Planning and Zoning Department for approval.

B.

- (1) Plans indicating the location, type, and height of luminaries including both building and ground-mounted fixtures;
- (2) A description of the luminaries, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
- (3) Photometric data, such as that furnished by the manufacturer, showing the angle of light emission; and
- (4) Additional information as may be required by the Planning and Zoning Department in order to determine compliance with this Ordinance.

General Standards.

The following general standards shall apply to all outdoor lighting installed after the effective date of this ordinance, which is not exempted above:

- A. Outdoor lighting must be hooded, shielded, and/or aimed downward. Examples of acceptable and unacceptable light pollution control shielding and hooding is shown in Table 1-4, attached herein. *[see copies of tables from Taos]*
- B. The hood or shield must mask the direct horizontal surface of the light source. The light must be aimed to insure that the illumination is only pointing downward onto the ground surface, with no escaping light permitted to contribute to sky glow by shining upward into the sky.
- C. Any bright light shining onto adjacent property or streets which would result in a nuisance glare or a disabling glare shall not be permitted. Light trespass beyond property boundaries or above the horizontal plane shall be considered non-compliant.
- D. Existing fixtures may be adapted to comply with this ordinance by adding a properly designed hood or shield, or by pointing any upward-mounted, shielded fixture downward onto the ground surface.
- E. All outdoor lighting fixtures shall be designed, installed, located and maintained such that nuisance glare onto adjacent properties or streets shall be minimized and all direct illumination kept within the boundaries of the fixture owner's property.
- F. This section will be enforced
 - 1) Prior to the issuance of a Certificate of Occupancy by the Lee County Building Department, or
 - 2) On the basis of a formal complaint filed in writing with the Planning and Zoning Department
- G. Accent lighting, when so approved, shall be directed downward onto the building or object and not toward the sky or onto adjacent properties. Direct light emissions shall not be visible above the roof line or beyond the building edge.
- H. Spotlighting on landscaping and foliage shall be limited to 150 [or 75] watts ~~(2220 lumens output)~~. The lamp shall be shielded and not create disabling or nuisance glare.

Penalties for violation. [*Be consistent with other Lee County penalties for lighting*]

Severability.

The provisions of this section are severable and if any part thereof are held to be invalid, unenforceable, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair the remainder of this ordinance.

Effective date.

The provisions of this ordinance shall become effective five (5) days after published unless otherwise provided by law. [*TBD with Lee County*]