

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 23 – 08

AN ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, REPEALING AND REPLACING THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 7 ARTICLE II – SEA TURTLES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.

WHEREAS, the City of Bonita Springs, Florida is the governing body of Bonita Springs; and

WHEREAS, Section 72 of the original City Charter adopted the Lee County Land Development Code, which included regulations pertaining to the protection and conservation of sea turtles; and

WHEREAS, on April 4, 2001, City Council adopted Ordinance 01-06 amending provisions of the Land Development Code relating to sea turtle conservation; and

WHEREAS, in December 2020, Florida Fish and Wildlife Commission issued an updated Model Lighting Ordinance for sea turtle protection; and

WHEREAS, it is in the best interest of the City to repeal and replace Chapter 7, Article II of the Land Development Code for clarity and consistency with the State's standards.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section 1. Recitals Adopted.

That each of the above stated recitals is hereby adopted as legislative findings of the City Council and confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.

Section 2. Amending Land Development Code

The Bonita Springs City Code is hereby amending the pertinent provisions of the Land Development Code, with deletions depicted with ~~strikethroughs~~ and underlined language as additions, as provided and further depicted in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. **Severability**

The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any part of this Ordinance is found to be invalid, preempted, or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such invalid, preempted, or superseded part as if adopted with such part had not been included herein.

Section 4. **Conflicts of Law**

This Ordinance shall supersede any ordinances in conflict herewith to the extent that such conflict exists. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of the requirements of state or federal law, the more restrictive shall apply.

Section 5. **Codification and Scrivener's Errors**

It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the Bonita Springs Code; that sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and that any typographical errors which do not affect the intent may be authorized by the City Manager without need of public hearing, by filing a corrected copy with the City Clerk. It is further the intent of the City Council that the provisions of this Ordinance may be modified as a result of consideration that may arise during public hearing(s) and that such modifications shall be incorporated into the final version.

Section 6. **Effective Date**

This Ordinance shall be effective immediately upon its adoption.

DULY PASSED AND ADOPTED BY THE CITY COUNCIL of the City of Bonita Springs, Florida this 21 day of June, 2023.

Attest:

CITY OF BONITA SPRINGS, FLORIDA

By: 

Michael Sheffield, City Clerk

By: 

Mayor Rick Steinmeyer

Reviewed for legal sufficiency:

By: 

City Attorney's Office

ARTICLE II. SEA TURTLES¹

DIVISION 1. GENERALLY

Secs. 7-19—7-39. Reserved.

DIVISION 2. SEA TURTLE CONSERVATION

~~Sec. 7-40. Purpose and applicability of division.~~

~~The purpose and intent of this division is to protect endangered and threatened sea turtles along the Gulf of Mexico beaches in the city. This division protects nesting sea turtles and sea turtle hatchlings from the adverse effects of artificial lighting, provides overall improvement in nesting habitat degraded by light, and increases successful nesting activity and production of hatchlings on the beaches, as defined in this division.~~

~~(Ord. No. 01-06, § 1(14-71), 4-4-2001)~~

~~Sec. 7-41. Definitions.~~

~~When used in this division, the following words, terms and phrases have the meanings set forth below, except where their context clearly indicates a different meaning:~~

~~*Administrator* means the city manager, or his designee, who is responsible for administering the provisions of this division.~~

~~*Artificial lighting or illumination* means light emanating from a manmade point source (see *Point source of light*).~~

~~*Beach* means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves as more particularly described in section 7-49.~~

~~*Beach equipment* means any manmade, furniture, apparatus or paraphernalia designed, manufactured, intended for use or actually used on the beach or in the adjacent tidal waters. Examples include chairs, cabanas, lounges, benches, tables, tents, umbrellas, sailing vessels, canoes, kayaks, paddle vessels, jet skis, sailboards, surfboards, concession storage units, fishing gear, sporting equipment, and floatables.~~

~~*Bug type light* means any yellow-colored incandescent light bulb that is specifically treated in such a way so as to reduce the attraction of bugs to the light, but does not include bug-killing devices.~~

~~*Construction* means the carrying out of any building, clearing, filling, excavating or substantial improvement in the size or use of any structure or the appearance of any land. When appropriate to the context, the term "construction" refers to the act of constructing or the result of construction, and includes reconstruction or remodeling of existing buildings or structures.~~

¹State law reference(s)—Coastal areas used by sea turtles and rules for protection, restriction on local rules, F.S. § 161.163.

Cumulatively illuminated means illuminated by numerous artificial light sources that as a group directly or indirectly is visible from or illuminates any portion of the beach, dune or other sea turtle nesting habitat.

Decorative lighting means lighting used for aesthetic reasons, primarily landscaping.

DEP means Florida Department of Environmental Protection or successor agency.

Development has the same meaning stated in section 9-27.

Directly illuminated means illuminated by one or more point sources of light directly visible to an observer on the beach, dune, or other sea turtle nesting habitat.

Dune means a mound or ridge of loose sediments, usually sand-sized, lying landward of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with vegetation.

Existing development means completed development having received official approval in the form of a certificate of compliance, final building permit inspection, or other final governmental approval as of January 31, 1998, or development that was completed prior to the adoption of those requirements.

FWC means Florida Fish and Wildlife Conservation Commission or successor agency.

Ground-level barrier means any vegetation, natural feature or artificial structure rising from the ground intended to prevent beachfront lighting from shining directly, indirectly, or cumulatively onto the beach, dune, or other sea turtle nesting habitat.

Hatchling means any individual of a species of sea turtle, within or outside of a nest, that has recently hatched from an egg.

Indirectly illuminated means illuminated by one or more point sources of light not directly visible to an observer on the beach, dune, or other sea turtle nesting habitat.

Low profile lighting means a light fixture, which places the low wattage source of light no higher than 48 inches above grade and is designed so that a point source of light does not directly, indirectly, or cumulatively illuminate sea turtle nesting habitat.

Mechanical beach cleaning means the one time only act of cleaning the beach with a motor-powered vehicle and beach cleaning equipment that must be approved by the DEP following a storm or fish kill event.

Nest means an area where sea turtle eggs have been naturally deposited or subsequently relocated by an authorized permittee of the FWC.

Nesting season means the hours from 9:00 p.m. until 7:00 a.m. during the period of May 1 through October 31 of each year.

New development means construction of new buildings or structures as well as renovation or remodeling of existing development, and includes the alteration of exterior lighting, occurring after the adoption of the ordinance from which this division is derived.

Point source of light means a manmade source of emanating light, including, but not limited to, incandescent, tungsten iodine (quartz), mercury vapor, fluorescent, metal halide, neon, halogen, high pressure sodium and low pressure sodium light sources, as well as, lanterns, torches, campfires and bonfires.

Sea turtle means any marine dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as a nesting habitat, including *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kempi* (Kemp's ridley). For purposes of this division, sea turtle is synonymous with marine turtle.

Sea turtle nesting habitat means the beach, any adjacent dunes or areas landward of the beach used by sea turtles to deposit sea turtle eggs.

Tinted glass means any glass treated to achieve an industry approved, inside to outside light transmittance value of 45 percent or less.

{Ord. No. 01-06, § 1(14-72), 4-4-2001}

~~Sec. 7-42. Violations, enforcement of division and penalty.~~

~~(a) — Violations.~~

- ~~(1) — Failing in any respect to comply with the provisions of this division.~~
- ~~(2) — A rebuttable presumption that there is a violation of this division exists when:~~
 - ~~a. — A shadow is created or cast by artificial lighting directly, indirectly, or cumulatively illuminating an opaque object in sea turtle nesting habitat during the nesting season; or~~
 - ~~b. — The disorientation or mortality of a nesting sea turtle or sea turtle hatchling is caused by artificial lighting directly, indirectly, or cumulatively illuminating sea turtle nesting habitat during the nesting season.~~

~~(b) — Enforcement and penalty. Violations of this division will be prosecuted in accordance with chapter 2, article VII. The city may take action against the property owner, occupant or person otherwise responsible for causing the violation. In addition to code enforcement action, the city may pursue other legal means of obtaining compliance, including civil and criminal remedies, that are available by law.~~

{Ord. No. 01-06, § 1(14-73), 4-4-2001}

~~Sec. 7-43. Exemptions from division.~~

- ~~(a) — Research or patrol vehicles. Only authorized permittees of the DEP and FWC, and law or code enforcement officers conducting bona fide research or investigative patrols, may operate a motor vehicle on the beach or in sea turtle nesting habitat during the nesting season, so long as appropriate red-colored filters are used to ensure the safe operation of their vehicles.~~
- ~~(b) — Handicapped access. A wheelchair equipped with special beach friendly tires or approved conveyance for a person with a disability, which is actually used by the person with the disability, may operate on the beach during the nesting season.~~
- ~~(c) — Mechanical beach cleaning. During the nesting season mechanical beach cleaning requires a valid DEP beach cleaning permit, and must not occur before 9:00 a.m., may not disturb any sea turtle nest, and may only be performed following a storm or fish-kill event.~~
- ~~(d) — Administrative exemptions. The administrator may authorize, in writing, any activity or use of lighting otherwise prohibited by this division for a specified location and period of time. The authorization must be for the minimum duration and applicants must make all reasonable efforts to minimize the amount of lighting from any point sources of light. Applicants must have prior approval by DEP, office of beaches and coastal systems before any administrative exemptions may be granted.~~

{Ord. No. 01-06, § 1(14-74), 4-4-2001}

~~Sec. 7-44. Existing development.~~

Existing development must ensure that a sea turtle nesting habitat is not directly, indirectly, or cumulatively illuminated by lighting originating from the existing development during the nesting season. The point source of light, any reflective surface of the light fixture, or cumulative glow must not be directly visible from the beach. Also, existing development must incorporate and follow the measures outlined in section 7-48(d) to reduce or eliminate interior light emanating from doors and windows visible from the beach, dune or other sea turtle nesting habitat. The reviewing staff will take into consideration the need for balancing pedestrian safety when reviewing any site lighting.

Sec. 7-45. New development.

New development must comply with the following requirements:

- (1) Artificial lighting must conform to the requirement of section 7-44. The reviewing staff will take into consideration the need for balancing pedestrian safety when reviewing any lighting plan.
- (2) A lighting plan must be submitted to the city for review prior to the earlier of building permit or development order issuance for all new development on the barrier islands identified in section 7-49, as follows:
 - a. For new development seaward of the coastal construction control line (CCCL), as defined in section 4-2 of this LDC, a copy of a DEP-approved lighting plan is required.
 - b. For new development landward of the coastal construction control line (CCCL), a lighting plan is required for all commercial and industrial development, and for all multi-story developments in multi-family zoning districts.
 - c. The location, number, wattage, elevation, orientation, fixture cut sheets, and all types of proposed exterior artificial light sources, including landscape lighting, must be included on the lighting plan. A city-approved lighting plan is required before a building permit will be issued.
 - d. Exterior light fixtures visible from the beach and sea turtle nesting habitat are considered appropriately designed if:
 1. Completely shielded downlight only fixtures or recessed fixtures having 25-watt yellow bug type bulbs and non-reflective interior surfaces are used. Other fixtures that have appropriate shields, louvers, or cutoff features may also be used, if they are in compliance with section 7-44.
 2. All fixtures are mounted as low in elevation as possible through the use of low-mounted wall fixtures, low bollards, and ground-level fixtures.
 3. All exterior lighting must be installed in such a manner and be so shielded that the cone of light will fall, substantially, within the perimeter of the property. Through the use of shielding and limitation upon intensity, ambient light traveling outward and upward, producing a sky glow, must be reduced to the greatest extent possible without unduly interfering with the intent and purpose of the exterior lighting in the first place.
 4. Decorative lighting, including, but not limited to, uplighting, is not permitted seaward of the coastal construction control line (CCCL).
 - e. Tinted glass or any window film applied to window glass which meets the defined criteria for tinted glass, must be installed on all windows and glass doors visible from the beach and must be included on the building permit plans.
 - f. Parking lot lighting must use poles no higher than 12 feet in height with shoebox style fixtures. The minimum wattage of high-pressure sodium or low-pressure sodium bulbs is permitted. Low-pressure sodium is recommended. Low-profile lighting, such as bollards no greater than 48 inches in height and step lighting is encouraged.
 - g. Illuminated signs must conform to the requirements of this section. Reverse lighting signs are recommended, where the background is opaque and the letters/logo are illuminated from within the sign. If exterior lighting is used to illuminate the sign, the lights must be downlights with shields and louvers to pin-point the light. The use of neon is not permitted.

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- (3) — Prior to the issuance of a certificate of occupancy (CO), the exterior lighting of new development must be inspected after dark by the city, with all exterior lighting turned on, to determine compliance with an approved lighting plan and this division.

{Ord. No. 01-06, § 1(14-76), 4-4-2001}

Sec. 7-46. Publicly owned lighting.

Streetlights and lighting at parks and other publicly owned beach access areas are subject to the following requirements:

- (1) — The beach must not be directly, indirectly, or cumulatively illuminated by newly installed or replaced point sources of light.
- (2) — Artificial lighting at parks or other public beach access points must conform to the provisions of section 7-44.

{Ord. No. 01-06, § 1(14-77), 4-4-2001}

Sec. 7-47. Additional regulations affecting sea turtle nesting habitat.

- (a) — *Fires.* Fires are prohibited during the nesting season.
- (b) — *Driving on the beach.* Driving or operating any engine powered vehicle, machine or implement, including any battery or electrical powered vehicle, machine or implement on sea turtle nesting habitat, specifically including the beach, is prohibited during the nesting season, except as allowed under section 7-43.
- (c) — *Parking.* Vehicle headlights in parking lots or areas on or adjacent to the beach must be screened utilizing ground level barriers to eliminate artificial lighting directly, indirectly, or cumulatively illuminating any sea turtle nesting habitat.
- (d) — *Beach equipment.* From May 1 through October 31, all beach equipment must be removed from the beach as follows:
- (1) — All beach equipment must be removed from the beach between the hours of 9:00 p.m. and 7:00 a.m.
- (2) — The beach equipment must be moved behind the dune line and must not be placed on or destroy any dune vegetation. Where no dune line is present, a line will be projected from the closest areas on either side where such vegetation does exist.

{Ord. No. 01-06, § 1(14-78), 4-4-2001}

Sec. 7-48. Guidelines for mitigation and abatement of prohibited artificial lighting.

- (a) — Appropriate techniques to achieve lighting compliance include, but are not limited to, fitting lights with hoods or shields, utilizing recessed or down fixtures with low wattage bulbs, screening light with vegetation or other ground level barriers, directing light away from sea turtle nesting habitat, utilizing low profile lighting, turning off artificial light during the nesting season, motion detectors set on the minimum duration, spraying reflective surfaces within fixtures or globes on fixtures with a flat black grill or oven paint, and lowering the light intensity of the lamps to 25-watt yellow bug lights. Although plastic sleeves for fluorescent bulbs may help to reduce the amount of artificial light to an acceptable level if the bulbs are of sufficiently low wattage, additional shielding is still required as sea turtles are more sensitive to the wavelengths of fluorescent light.

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- (b) ~~Opaque shields for lights covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on its seaward side may be installed so that the light source or any reflective surface of the light fixture is not visible from a sea turtle nesting habitat.~~
 - (c) ~~Floodlights, uplights, spotlights, and decorative lighting directly, indirectly, or cumulatively visible from sea turtle nesting habitat should not be used during the nesting season.~~
 - (d) ~~Appropriate techniques to eliminate interior lighting directly, indirectly, or cumulatively illuminating the beach, include, but are not limited to, applying window tint film to windows, using tinted glass, moving light fixtures away from windows, closing blinds or curtains, and turning off unnecessary lights.~~
- ~~{Ord. No. 01-06, § 1(14-79), 4-4-2001}~~

~~Sec. 7-49. Gulf of Mexico beaches description.~~

- (a) ~~*Lover's Key group of islands, including Black Island.* Lover's Key group of islands includes those beaches westerly from that point beginning at the northernmost point bearing due north of the westernmost lands of the island group fronting on the Gulf of Mexico to a point being the southernmost point of the island group bearing due south; provided, however, that said northernmost and southernmost point that are subject to change as a result of natural erosion and accretion occurring to the beaches over time.~~
- (b) ~~*Big Hickory Island.* Big Hickory Island includes those beaches westerly from that point being the northernmost point of the island bearing due north to that point of the island in Big Hickory Pass being the southernmost point bearing due south; provided, however, that said northernmost and southernmost points are subject to change as a result of natural erosion and accretion occurring to the beaches over time.~~
- (c) ~~*Little Hickory Island (Bonita Beach).* Little Hickory Island includes those beaches westerly from that point being the northernmost point of the island bearing due north to that point being the county line on the south; provided, however, that the said northernmost and southernmost points are subject to change as a result of natural erosion and accretion occurring to the beaches over time.~~

~~{Ord. No. 01-06, app. B, 4-4-2001}~~

~~Secs. 7-50—7-71. Reserved.~~

Sec.7-40. - Purpose and Objective

The purpose and intent of this Article is to protect nesting and hatchling sea turtles on the beaches in the City of Bonita Springs by ensuring that the nesting habitat is not degraded by artificial light and other humanmade impacts to nesting habitat in an effort to facilitate successful nesting activity and hatching events. In order to further the objective of full implementation, this Article also includes provisions designed to educate residents and beach users on the benefits of appropriate coastal lighting and provides for regular inspections to ensure compliance with the acceptable lighting standards.

Sec.7-41. – Definitions

When used in this division, the following words, terms and phrases have the meanings set forth below, except where their context clearly indicates a different meaning:

Administrator means the city manager, or designee, who is responsible for administering the provisions of this division.

Artificial Lighting means light emanating from a 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.

Beach equipment means any manmade furniture, apparatus or paraphernalia designed, manufactured, intended for use or actually used on the beach and/or in the adjacent tidal waters. Examples include, without limitation, chairs, cabanas, lounges, benches, tables, tents, umbrellas, sailing vessels, canoes, kayaks, paddle vessels, jet skis, sailboards, surfboards, concession storage units, fishing gear, sporting equipment, and floatables.

Certified Wildlife Lighting means lighting fixtures and bulbs reviewed and approved with conditions of use through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process and published at <https://myfwc.com/conservation/you- conserve/lighting/criteria/certified/>.

Construction means the carrying out of or result of any building, clearing, filling, excavating or substantial improvement in the size or use of any structure or the appearance of any land, including reconstruction or remodeling of existing buildings or structures.

Cumulatively Visible means light from numerous artificial light sources that collectively can be seen by an observer standing anywhere on the beach.

Directly Visible occurs when glowing elements, lamps, globes, or reflectors of an artificial light source can be seen by an observer standing anywhere on the beach.

Foot-Candle 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 manmade 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.

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° as determined by photometric test or certified by the fixture manufacturer. As defined by the Illuminating Engineering Society, a BUG (Backlight, Uplight, Glare) rating, where U = 0 would be considered full cutoff compliant.

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.

Ground-level Barrier means any vegetation, natural feature or artificial structure rising from the ground intended to prevent beachfront lighting from shining directly, indirectly, or cumulatively onto the beach, dune, or other sea turtle nesting habitat.

Indirectly Visible means light reflected from glowing elements, lamps, globes, or reflectors of an artificial light source that can be seen by 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 lamp or light source emitting light wavelengths of 560 nanometers or greater and absent wavelengths below 560 nanometers.

Low-profile lighting means a light fixture, which places the low lumens source of light no higher than 48 inches above grade and is designed so that a point source of light does not directly, indirectly, or cumulatively illuminate sea turtle nesting habitat.

Mechanical beach cleaning (or raking) means the act of cleaning the beach with a motor-powered vehicle and beach cleaning equipment.

Nest means an area where sea turtle eggs have been naturally deposited or subsequently relocated by an authorized permittee of the FWC.

Nesting Season means sea turtle nesting on the beaches of the City of Bonita Springs during the period of 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 City.

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.

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

Non-egress Lighting means exterior lighting that is not being used to light a distinct route or meet minimum requirements for emergency access to or from a building, including but not limited to decorative lights (e.g. strobe lights, string lights, etc.), balcony 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 kempi*). For the purposes of this ordinance, the term sea turtle is synonymous with marine turtle.

Sea Turtle Nesting Habitat means all sandy beaches adjoining the waters of the Gulf of Mexico and all inlet shorelines of those beaches. Nesting habitat includes all sandy beach and unvegetated or sparsely vegetated dunes immediately adjacent to the sandy beach and accessible to nesting female turtles.

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 any glass modified via tinting, film or other material to reduce the inside to outside light transmittance value.

Sec. 7-42. –Sea Turtle Lighting District; Applicability

- (a) An overlay district, known as the Sea Turtle Lighting District, is hereby established and shall include all properties on the barrier islands within the City of Bonita Springs that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach, regardless of whether those properties are beachfront properties.
- (b) The provisions of this Article apply to new and existing artificial lighting visible from the beach from all buildings and related infrastructure, including streetscapes, parking lots, outdoor areas, landscaping, as well as public parks and recreational areas and all other activities within the City of Bonita Springs which may adversely affect sea turtle nesting habitat.
- (c) The provisions of this Ordinance are not intended to prevent the use of any design, materials or method of installation or operation not specifically prescribed herein, provided any such alternate has been approved. The Administrator may approve any such proposed alternate provided it:
 - (1) Provides at least approximate equivalence to the applicable specific requirements of this Ordinance; and
 - (2) Is otherwise satisfactory or complies with the intent of this Ordinance; and
 - (3) Has been designed or approved by a registered lighting or electrical engineer and is supported by calculations showing that the design submitted meets the intent of this Article. This sub-section shall not have the effect of waiving the lumen caps specified in this Article; and
 - (4) Has been determined to meet requirements for Certified Wildlife Lighting and/or lights that meet FWC's Wildlife Lighting Guidelines, including long wavelength light sources (without the use of filters), full cut-off, and fully shielded fixtures.

Sec. 7-43. - Annual Public Notice

At least thirty days prior to the commencement of every sea turtle nesting season, the City of Bonita Springs shall provide notice to affected persons of the provisions contained in this Ordinance via mailing or City website.

Sec. 7-44. – General Lighting Provisions

- (a) The following standards for artificial light sources and other activities conducted in sea turtle nesting habitat are intended to help minimize harmful effects of light pollution in sea turtle nesting areas during nighttime hours of sea turtle nesting season. The use of Certified Wildlife Lighting will provide the highest level of protection for nesting sea turtles and their hatchlings. Certified Wildlife Lighting refers to lighting fixtures and bulbs reviewed and approved through the Florida Fish and Wildlife Conservation Commission's Wildlife

Lighting Certification Process and published at <https://myfwc.com/conservation/you- conserve/lighting/criteria/certified/>. Certified Wildlife Lighting and/or lights that meet FWC's Wildlife Lighting Guidelines, must be installed and maintained according to the approved conditions of use to achieve the light pollution reduction objectives of this Ordinance.

- (b) New construction refers to 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. The most protective lighting standards apply to new construction visible from the beach.
- (c) Existing artificial lighting refers to lighting fixtures, sources and systems operating prior to the effective date of this ordinance. Existing lights and light sources that are visible from the beach shall be replaced or modified to conform to standards given in Section 7-50. In order to bring existing lighting systems into future compliance with this Article, standards for new coastal construction shall be applied when permits are sought for new structures or the alteration, movement, enlargement, replacement or installation of new lighting systems.

Sec. 7-45 Exterior and Interior Lighting Affixed to New Structures, New Construction and Improvements to Existing Structures

- (a) All 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 foot-candles.
- (b) As an exception to subsection (a) above, 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 not 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 foot-candles 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. 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 use tinted glass or window film applied to glass with an inside to outside light transmittance value of forty-five percent (45%) or less.
- (f) Emergency lights are not subject to the above standards if 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 the issuance of a certificate of occupancy (CO), lighting of new construction must be inspected by the City after dark and with all lighting turned on in order to determine compliance with an approved lighting plan and this division.

Sec. 7-46 - 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 foot-candles.

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- (b) Lighting of paths, walks and routes of building access shall use low level fixtures such as step, paver, path, recessed wall or bollard lights. Bollard lights are not to exceed 42 inches in height and other low-level fixtures are to meet the height requirements of FWC's Wildlife Lighting Guidelines. Fixtures shall be downward directed and utilize long wavelength lamps and beachside shields.
 - (c) As an exception to subsection (a) above, non-egress outdoor lighting may be installed landward of buildings or other opaque structures provided that they are fitted with long wavelength light sources and are not directly, indirectly, or cumulatively visible from any portion of the beach.
 - (d) Internally or externally illuminated signs shall be designed, positioned, shielded and/or screened in such a manner that they do 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 pits and any other object emitting flames, including gas-lit fire tables, located on the seaward and shore-perpendicular sides of any structure 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. Bonfires, bonfire pits, and tiki torch like fire posts are prohibited within seaturtle nesting habitat during sea turtle nesting season.
 - (g) Televisions or other illuminated screens 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.

Sec. 7-47 - Parking Areas and Roadways

- (a) All lighting of parking areas and roadways 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 and roadway 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 roadways and parking areas shall produce no more lighting than the minimum requirement as outlined by federal, state and local law.
- (d) Lighting of parking areas and roadways shall consist of either:

 - 1. Ground-level downward-directed fixtures, equipped with interior dark-colored, 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 on the side facing the beach, or
 - 3. Pole-Mounted Lights, if required, shall adhere to the restrictions located in subsection 7-47(e).

(e) Pole-mounted lights shall only be used in parking areas and roadways 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. If required, pole-mounted lights shall be:

- a 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,
- b. Mounted at the minimum height required to meet the minimum light level requirement, and
- c. Downward-directed onto non-reflective surfaces.

(f) Equipment yards, storage yards, and temporary security lights shall also adhere to the lighting restrictions contained in this Section.

Sec. 7-48 - Pool Areas

- (a) Lighting of pool decks, pool facilities, swimming pools, and spas shall be long wavelength and fully shielded.
- (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 contained in this Ordinance.
- (d) Underwater lighting of pools or spa light shall:
 - (1) Be mounted horizontally in the wall; and
 - (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. 7-49 - Beach Access Points and Dune Walkovers

- (a) Lighting of public or private beach access points shall be located and configured to only illuminate areas landward of the beach and frontal 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 7-50 - Existing Exterior and Interior Lighting

- (a) In the event that impermissible light pollution exists, property owners shall reduce or eliminate the negative effects of existing exterior artificial lighting through the following measures:
 - (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;

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- (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 landward of the beach and frontal dune to shield light sources from the beach. Ground-level barriers are to be considered a last resort when no other remediation of the light source is feasible. Ground level barriers may be subject to state coastal construction control line regulations under section 161.053, Florida Statutes, and must not interfere with sea turtle nesting or hatchling emergence, or cause short- or long- term damage to the beach and dune system;
 - (9) Remove or disable any fixture not required for minimum lighting purposes which cannot be brought into compliance with the provisions of these standards.
- (b) In the event that impermissible light pollution exists, property owners shall take one or more of the following measures to minimize 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.

Sec. 7-51 – Special Events, Motor Vehicles, and Temporary Lighting

- (a) Lighting associated with a special event or private 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.
- (b) The operation of all motorized vehicles, except as exempted herein, shall be prohibited on the beach at nighttime during sea turtle nesting season.
 - 1. Research or patrol vehicles. Only authorized permittees of the DEP and FWC, and law or code enforcement officers conducting bona fide research or investigative patrols, may operate a motor vehicle on the beach or in sea turtle nesting habitat during the nesting season, so long as appropriate red-colored filters are used to ensure the safe operation of their vehicles.
 - 2. Handicapped access. A wheelchair equipped with special beach friendly tires or approved conveyance for a person with a disability, which is actually used by the person with the disability, may operate on the beach during the nesting season.

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3. Mechanical beach cleaning. During the nesting season mechanical beach cleaning requires a valid DEP beach cleaning permit, and must not occur before 9:00 a.m., may not disturb any sea turtle nest, and may only be performed following a storm or fish kill event.
 4. Administrative exemptions. The administrator may authorize, in writing, any activity or use of lighting otherwise prohibited by this division for a specified location and period of time. The authorization must be for the minimum duration and applicants must make all reasonable efforts to minimize the amount of lighting from any point sources of light. Applicants must have prior approval by DEP, office of beaches and coastal systems before any administrative exemptions may be granted.
- (c) 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.
- (d) All other temporary construction lighting shall be:
- (1) Inclusive of all the standards of this Section, including using 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 authorized during sea turtle nesting season, shall only be allowed from 7:00am to 9:00pm and must be restricted to the minimal amount necessary, and shall incorporate all the standards of this Section, 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 foot-candles necessary to conform to the applicable construction safety regulations.
- (e) 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. 7-52. Additional regulations affecting sea turtle nesting habitat.

- (a) Beach equipment. From May 1 through October 31, all beach equipment must be removed from the beach between the hours of 9:00 p.m. and 7:00 a.m. The beach equipment must be moved behind the dune line and must not be placed on or destroy any dune vegetation. Where no dune line is present, beach equipment must be stored adjacent to a permanent structure on the property. In the event that a dune line is not present and no permanent structure exists, beach equipment must be stored landward of the 1978 Coastal Construction Control Line and in a manner that prevents sea turtle entanglement.
- (b) Irrigation. Only temporary above ground irrigation may be installed on the seaward side of the 1978 Coastal Construction Control Line and within sea turtle nesting habitat and must be removed no later than one year from the date of planting. Temporary irrigation must be turned off within 50 feet of a sea turtle nest.
- (c) Other uses and activities. Any accessory structures or landscaping alterations to the beach and dune area seaward of the primary structure or 1978 Coastal Construction Control Line shall be approved by the City with a Beach and Dune permit meeting the following requirements:

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- (1) Limited to 1000 square feet as allowed by the Florida Department of Environmental Protection. FDEP permitting required.
 - (2) No items or materials that may cause entrapment or harm to nesting sea turtles or hatchlings, such as mesh-type garden netting, shall be permitted.
 - (3) The area of alteration may be limited for the preservation of sea turtle nesting habitat based on the historical limits of nesting activity.
 - (4) Herbicides, pesticides and other regulated chemicals shall not be applied in this area.
 - (5) Restoration shall be required for any unpermitted human alteration activities. A restoration plan for the beach and dune area shall be reviewed and approved with the City's Beach and Dune Permit.

Sec. 7-53. -Violations and Enforcement.

- (a) Violations of this division will be prosecuted in accordance with Chapter 2, Article XI of this Code. The city may take action against the property owner, occupant or person otherwise responsible for causing the violation. In addition to code enforcement action, the city may pursue other legal means of obtaining compliance, including civil and criminal remedies, that are available by law.