

**ORDINANCE NO. 13-15**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 “LAND DEVELOPMENT REGULATIONS,” ARTICLE V “SCHEDULE OF DISTRICT USE AND DEVELOPMENT STANDARDS,” DIVISION 5 “OUTDOOR LIGHTING” OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY**

**WHEREAS**, on February 21, 2002, the Village Council adopted Ordinance No. 02-19, which established the Outdoor Lighting standards within Chapter 30, Article V, Division 5 of the Code of Ordinances (the “Code”) of Islamorada, Village of Islands, Florida (the “Village”); and

**WHEREAS**, the Village Council desires to amend and clarify regulations related to prohibited lighting; and

**WHEREAS**, the Village Local Planning Agency reviewed this Ordinance on June 10, 2013 in accordance with the requirements of Chapter 163, Florida Statutes, and recommended approval to the Village Council; and

**WHEREAS**, the provisions of this Ordinance are consistent with the Village Comprehensive Plan and the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

**WHEREAS**, the Village Council finds that the provisions of this Ordinance are intended to advance the public health, safety, and welfare of the citizens of the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals.** The above recitals are true, correct and incorporated herein by this reference.

**Section 2.**     **Outdoor Lighting.** Chapter 30 “Land Development Regulations,” Article II “Schedule of District Use and Development Standards,” Division 5 “Outdoor Lighting” of the Code is hereby amended to read as follows:

Additional text is shown as <u>underlined</u> ;	deleted text is shown as <del>strikethrough</del>
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\* \* \* \* \*

**Section 30-791. Generally.**

(a) *Definitions.* The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \* \* \*

*Lumen* means a quantitative unit measuring the amount of light emitted by a light source. The bulb strengths set forth in this table are for reference purposes only. Actual wattages and lumen output should be obtained from the manufacturer.

TABLE 1. COMMON LUMEN OUTPUTS

Lamp Type	Common Wattages	Approximate Output (lumens)	Intensity (Based on Lumen Output)
Incandescent	100 150	1,200 2,000	Medium High
Fluorescent	16 28	600 1,500	Low Medium
Metal halide	70 175	3,400 12,000	High

	250	15,000	
High pressure sodium	70 150 250	5,000 13,500 23,500	High
Low pressure sodium	35 90	4,000 11,100	High

\* \* \* \* \*

(f) *Prohibited lighting.* The following lighting is prohibited:

- (1) Attention-getting light devices pursuant to this chapter, except where used by federal, state or local authority.
- (2) Lights that create a traffic hazard.
- (3) Mercury vapor lamps, with the exception of fluorescent lamps.

\* \* \* \* \*

**Section 3.**     **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and 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 4.**     **Repeal of Conflicting Provisions.** The provisions of the Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 5.**     **Inclusion in the Code.** It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become a part of the Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and

that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 6.**     **Transmittal to the Florida Department of Economic Opportunity.** The provisions of this Ordinance constitute a “land development regulation” as State law defines that term. Accordingly, the Village Clerk is authorized to forward a copy of this Ordinance to the Florida Department of Economic Opportunity (“DEO”) for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

**Section 7.**     **Effective Date.** This Ordinance shall not be effective until approved pursuant to a final order by DEO, pursuant to Chapter 380.05, Florida Statutes; or if the final order is challenged, until the challenge to the order is resolved pursuant to Chapter 120, Florida Statutes.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

The foregoing Ordinance was offered by Councilman Purdo, who moved for its adoption on first reading. This motion was seconded by Councilwoman Gillis, and upon being put to a vote, the vote was as follows:

Mayor Ken Philipson	YES
Vice Mayor Ted Blackburn	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilman Dave Purdo	YES

PASSED on first reading this 27<sup>th</sup> day of June, 2013.

The foregoing Ordinance was offered by Councilman Dave Purdo, who moved for its adoption on second reading. This motion was seconded by Councilwoman Deb Gillis, and upon being put to a vote, the vote was as follows:

Mayor Ken Philipson	YES
Vice Mayor Ted Blackburn	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilman Dave Purdo	YES

PASSED AND ADOPTED on second reading this 11<sup>th</sup> day of July, 2013.

  
KEN PHILIPSON, MAYOR

ATTEST:

  
ARIANA S. LAWSON, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF  
ISLAMORADA, VILLAGE OF ISLANDS ONLY

  
VILLAGE ATTORNEY

