



**CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: September 27, 2011

TO: Robert Baldwin, City Manager

FROM: Robert Daniels, Community Development Director

REQUEST: **Text Amendment – Lighting Requirements for Marine Turtle Protection (2nd Reading)**

Staff has prepared an ordinance amending Chapter 5 of the City Code entitled "Animals and Fowl" to provide for protection for marine turtles. Specifically, this proposed text change would clarify the definitions regarding the City Engineer's determination of the area that is regarded as beach. The proposed text change would also create a new section 5-1.8 entitled "Lighting Requirements for Marine Turtle Protection", the purpose of which is to reduce light impacts on the nesting and hatching of sea turtles. Lighting for parking facilities are required to be designed to reflect light away from any contiguous residentially zoned property and no lighting would be allowed that would directly illuminate the beach from sunset to sunup during the sea turtle nesting period from March 1 through October 31 of each year. City property would not be exempt from this requirement.

All site plans for new development or redevelopment along the beach would be required to identify specific measures for control of lighting. Existing development along the beach would be required to implement measures not involving capital expenditures immediately. These would include turning off exterior lights that illuminate the beach and closing draperies. A reasonable date for all tenants to implement all appropriate measures to fully comply with the new requirement will be established.

This proposed ordinance is consistent with and implements Section 161.163, Florida Statutes, "Coastal areas used by sea turtles; rules", and with the City's Comprehensive Plan Objective IV "Conserve native vegetative habitats and marine habitats at their present levels" and Policy.9, "Development orders and permits for development and redevelopment activities shall be issued only if the conservation of wildlife and natural systems is ensured consistent with goals, objectives, and policies of this Comprehensive Plan."

CITY COMMISSION PREVIOUS ACTION

On September 13, 2011, the City Commission approved the request on first reading.

STAFF RECOMMENDATION

Approval

MEMORANDUM

TO: City Commission

CC: Robert Baldwin, City Manager
Colin Donnelly, Assistant City Manager
Dominic Orlando, Director of Public Services
Kristen Jones, Director of Parks and Recreation
Bob Daniels, Director of Community Development
Corinne Lajoie, Principal City Planner
Kristin Dion, Planner
Nicholas Lupo, Code Enforcement Manager

FROM: Thomas J. Ansbro, City Attorney

DATE: September 2, 2011

RE: Ordinance Establishing Beach Lighting Restrictions;
Marine Turtle Protection Requirements

Attached is an Ordinance which would create Section 5-13 (“Definitions”) and Section 18 (“Lighting Requirements for Marine Turtle Protection”) of Chapter 5 (“Animals and Fowl”) of the City Code of Ordinances.

Other Broward County coastal municipalities have adopted similar regulations to protect sea turtles during the nesting season. Unlike those other cities, there is no “private property” in our City beach area. However, Broward County officials have requested that the City enact turtle protection requirements and, in practical effect, they will apply to all City tenants (FAU, Beach Grille, Pier Restaurant tenant) and the City facilities (the marina as well as the Pier).

City Commission approval is requested.