



CITY OF PANAMA CITY BEACH CODE ENFORCEMENT

TURTLE LIGHTING APPLICATION

APPLICANT INFORMATION

Name:

Mailing Address:

City:

State:

Zip:

Office Number:

Cell Number:

Email Address

Fax Number:

PROPERTY INFORMATION

Property Address:

Parcel Number (from Property Appraiser's Office):

TURTLE LIGHTING INFORMATION

On or before May 1, 2010, each comprehensive floodlight on the beachfront and in line-of sight of the beach shall be (i) removed, or (ii) replaced with turtle light fixtures containing only one or more turtle lamps, or (iii) shielded, positions, modified or replaced so as to make the point source not visible from the beach. In lieu of compliance with this sub-section, such fixture or its replacement may be disconnected at all times during marine turtle nesting season.

Notwithstanding the foregoing, where such floodlight has been shielded and positioned as much as practicable (including replacement of the fixture if necessary in order to better shield or reposition it) in a good faith effort to make the point source not visible from the beach while still allowing the fixture to fulfill its function, but the height of the fixture has frustrated that effort, the fixture shall be deemed in compliance with this subsection if its light falls predominately off the beach.

Comprehensive flood light means an artificial light source and fixture positioned above the exterior premises or grounds of a hotel or condominium and specifically designed to illuminate the exterior premises or grounds in lieu of multiple, traditional light sources such as balcony lights, deck lights, walkway lights, breezeway lights, et cetera. The absence in the design and construction of an existing development of such traditional light sources capable of safely illuminating an area improved for human occupancy is indispensable to a finding that a particular light is a "comprehensive flood light."

PROCEDURES

Any owner, operator or person entitled to operate property subject to this law may apply to the Director of Building and Planning for a determination of whether any fixture, lamp or circumstance is or will be in compliance with this law. The form of such application shall be established from time to time by the City Manager. Each such application shall be accompanied by an application fee to be established from time to time by the City Manager in an amount materially equal to the anticipated cost of processing the application. No enforcement action shall be taken against and no penalty shall be imposed upon an owner, operator or person entitled to operate the subject development that submits such an application and complies with the final, administrative determination within sixty (60) days after such determination. Any enforcement action shall be stayed pending the resolution of such an application filed. The person making application may appeal to the Board of Adjustment the Director of Building and Planning's determination pursuant to the procedures specified in Article XVI of the Zoning Ordinance of the City, as amended from time to time. An appeal shall stay all proceedings in furtherance of the action from which appeal is made. If the applicant shall establish by competent substantial evidence that the fixture, lamp or circumstance is or will be in compliance with this law, the burden shall shift to the City to establish by the greater weight of the evidence that it does not. Once a final determination is hereunder (and appropriate appeal periods have passed or otherwise been waived), the determination shall be binding on all parties and their successors in interest unless a material change occurs in the lighting of the subject property.

(Ord. No. 1138, § 1, 1-8-09)

Applicant's Signature

Date