



The Town of Hilton Head Island  
**Public Planning Committee Meeting**  
Thursday, December 19, 2019 – 3:00 p.m.  
Benjamin M. Racusin Council Chambers

## **AGENDA**

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*As a courtesy to others please turn off / silence ALL mobile devices during the meeting. Thank You.*

**1. Call to Order**

**2. FOIA Compliance** - Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

**3. Approval of Minutes**

- a. Special Meeting December 3, 2019

**4. Unfinished Business**

- a. Review of Sea Turtle Protection Ordinance Revisions

**5. New Business**

**6. Committee Business**

- a. Discussion of expectations and ideas as they relate to transportation solutions and workforce availability

**7. Staff Updates**

**8. Appearance by Citizens on Items Unrelated to Today's Agenda**

**9. Adjournment**

*Please note that a quorum of Town Council may result if four (4) or more of their members attend this meeting.*



Town of Hilton Head Island  
**Public Planning Committee Special Meeting**

December 3, 2019 at 10:00 a.m.

Benjamin M. Racusin Council Chambers

## **MEETING MINUTES**

**Present from the Committee:** Chairman David Ames, Tamara Becker, Tom Lennox, Glenn Stanford

**Absent from the Committee:** Bill Harkins

**Present from Town Council:** None

**Present from Town Staff:** Shawn Colin, Director of Community Development; Nicole Dixon, Development Review Administrator; Teri Lewis, Deputy Director of Community Development; Teresa Haley, Senior Administrative Assistant

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**1. Call to Order**

Chairman Ames called the meeting to order at 10:00 a.m.

**2. Freedom of Information Act Compliance** – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the Town of Hilton Head Island requirements.

**3. Approval of Minutes**

a. Special Meeting October 29, 2019

Mr. Stanford moved to approve the minutes of the October 29, 2019 special meeting. Mr. Lennox seconded. The motion passed with a vote of 4-0-0.

**4. Unfinished Business** – None

**5. New Business** – None

**6. Committee Business**

a. Review and recommendation on 2019 General LMO Amendments – Set 1

The Town Staff presented each proposed amendment as described in the Committee's agenda package. The Committee and the public at large discussed each one. Following the public comment and discussion, the Committee voted on the proposed amendments.

Proposed Amendment

- This change will make it clear that recreational vehicles within a recreational vehicle park are not required to meet the conditions in this section.

Mr. Stanford moved to forward this amendment to Town Council with a recommendation of approval. Ms. Becker seconded. The motion passed with a vote of 4-0-0.

Proposed Amendment

- This change will allow some leniency to alter a sign that is nonconforming because it is an off-premises sign.

Mr. Lennox moved to forward this amendment to Town Council with a recommendation of approval. Ms. Becker seconded. The motion passed with a vote of 4-0-0.

Proposed Amendment

- This change will smooth out the Beachfront Line and Critical Protection Area Line on 23 Salt Spray Lane.

Mr. Stanford moved to forward this amendment to Town Council with a recommendation of approval. Ms. Becker seconded. The motion passed with a vote of 4-0-0.

Proposed Amendment

- This change will develop more specific standards for zero lot line subdivisions and develop a more specific definition for what qualifies as a zero lot line subdivision.

The Committee shared concerns about zero lot line subdivisions and expressed the desire to discuss at a future meeting whether or not zero lot line development is appropriate for the Island.

Mr. Lennox moved to forward this amendment to Town Council with a recommendation of approval with the following changes:

- The 50% maximum impervious coverage requirement be per lot and not based on the entire development; and
- The word 'Residential' be added to the definition "Zero Lot Line Subdivision".

Mr. Stanford seconded. The motion passed with a vote of 4-0-0.

Proposed Amendment

- These amendments will establish greater protection for trees and other vegetation, including but not limited to buffers.

Mr. Stanford moved to forward these amendments to Town Council with a recommendation of approval. Ms. Becker seconded. The motion passed with a vote of 4-0-0.

The Committee discussed the proposed amendments that the Planning Commission voted to not move forward for adoption. The Planning Commission recommended the amendment related to commercial recreation uses to state that uses that are only listed as indoor commercial recreation uses are prohibited as outdoor commercial recreation uses not move forward. The Planning Commission further recommended to make Indoor Commercial Recreation uses and Outdoor Commercial Recreation uses Special Exception uses in the zoning district where these uses are permitted. Staff recommends going forward with the amendment originally proposed. The Committee expressed varied opinions on the amendment and asked Staff to pursue both options and present them to the Planning Commission and the Committee at their respective meetings in January.

## **7. Appearance by Citizens on Items Unrelated to Today's Agenda**

Public comment received related to creating a floating zoning district for affordable housing.

## **8. Adjournment**

The meeting was adjourned at 11:07 a.m.

**Submitted by:** Teresa Haley, Secretary

**Approved:** [DATE]



# TOWN OF HILTON HEAD ISLAND

## *Community Development Department*

**TO:** Public Planning Committee  
**VIA:** Shawn Colin, *AICP, Director of Community Development*  
**VIA:** Jennifer Ray, *ASLA, Deputy Director of Community Development*  
**FROM:** Anne Cyran, *AICP, Senior Planner*  
**DATE:** December 10, 2019  
**SUBJECT:** Proposed Revisions to Artificial Light Standards for Sea Turtle Protection

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### **Recommendation**

Staff recommends the Public Planning Committee forward the proposed revisions to the Sea Turtle Protection Ordinance to Town Council with a recommendation of approval.

### **Summary**

The following changes were made to the Ordinance since it was presented at the May 29, 2019 Public Planning Committee meeting:

1. **Organization of the Ordinance**

To clarify the requirements, the standards for existing development were separated from the standards for new development and the remodeling of existing development.

2. **Remodeling of existing development**

*Remodeling of existing development* is defined as changes to existing structures when such changes include the installation of new exterior light fixtures, windows, and glass doors or the replacement of existing exterior light fixtures, windows, and glass doors.

3. **Light Transmittance Value**

Instead of using a new light transmittance value of 0.20 in the definitions of *solar screen* and *tinted or filmed glass*, the existing light transmittance value of 0.45 is retained in the proposed Ordinance. A 0.45 light transmittance value is the standard used in many sea turtle protection ordinances. It balances a reduction in nighttime light transmittance for sea turtle protection with the desire for interior daytime light.

4. **Illuminate the beach vs. Visible from the beach**

The definition *Illuminate the beach* was replaced with *Visible from the beach*. *Illuminate the beach* was defined as the lighting of any area of the beach by any artificial light source. It was interpreted to mean that a light in violation of the Ordinance would illuminate the surface of the beach. *Visible from the beach* is defined as capable of being observed by or within the line of sight of a pedestrian walking or standing on the beach. It is a definition used in many sea turtle protection ordinances as a reasonable measure of artificial light that would affect nesting sea turtles and hatchlings.

5. **New Development & Remodeling Existing Development – Exterior Light Fixtures**  
The standards for new development and remodeling of existing development require that all **new** exterior light fixtures that are visible from the beach must be downward-directed and shielded. This requirement was in the proposed Ordinance introduced in May.
6. **Existing Development – Exterior Light Fixtures**  
The standards for existing development require that all existing exterior light fixtures that are visible from the beach must **either** be downward-directed and shielded by May 1, 2021 **or** that exterior light fixtures that are visible from the beach must be turned off between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season. This allows property owners with nonconforming exterior light fixtures the option of turning off their nonconforming lights during sea turtle nesting season, instead of requiring the replacement of nonconforming exterior light fixtures. This also allows an additional year for property owners who want to update their nonconforming exterior light fixtures to comply with the new standard. (The proposed Ordinance previously required compliance by May 1, 2020.)
7. **New Development & Remodeling Existing Development – Windows & Glass Doors**  
The standards for new development and remodeling of existing development require that all new windows and glass doors that are visible from the beach must be **either** tinted or filmed with a product with a 0.45 light transmittance value **or** that an interior or exterior retractable (i.e. roll-up) solar screen be installed for that window or glass door. If a solar screen is installed, it must be pulled down to cover the glass between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season. This requires new windows and glass doors to meet current standards for sea turtle protection while allowing the property owner flexibility to choose the product that best meets their needs.
8. **Existing Development – Interior Light**  
The standards for existing development **do not require** that window tinting or film be applied to existing windows and glass doors that are visible from the beach. Instead, the property owner can choose how to prevent interior artificial light from being visible from the beach from 10:00 p.m. to 6:00 a.m. during sea turtle nesting season: turning off interior lights that are visible from the beach between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season; using opaque material (such as curtains, blinds, etc.) or solar screens to cover windows and glass doors that are visible from the beach between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season; or tinting or using film with a 0.45 light transmittance value on windows and glass doors that are visible from the beach.
9. **Exemption for New Development & Remodeling Existing Development with a Building Permit**  
Section 8-5-114 exempts new structures for which a building permit has been applied by May 1, 2020 from the standards for exterior light fixtures, windows, and glass doors required for new structures. It also exempts existing structures for which a building permit has been applied by May 1, 2020 from the standards for exterior light fixtures, windows, and glass doors required for new structures. Such construction must meet the standards for existing development.

**10. Sea Turtle Friendly Bulbs**

The requirement to use sea turtle friendly bulbs in all exterior light fixtures was removed. The requirements to make exterior light fixtures downward-directed and shielded are sufficient to reduce the visibility of exterior artificial light from the beach.

**11. Red Flashlights**

The suggestion to use red lights for navigation on the beach during sea turtle nesting season was removed from the Ordinance. The standards in the Ordinance are limited to enforceable requirements; best practices and suggestions were removed.

**Background**

After the draft Ordinance was presented to the Committee in May, staff held meetings with the public and stakeholder groups to discuss the proposed changes and receive feedback. Staff asked the United States Fish & Wildlife Service (FWS) and the South Carolina Department of Natural Resources (SCDNR) to review the proposed changes to the Ordinance. The agencies confirmed the changes won't affect the Town's ability to obtain beach renourishment permits in the future.

**Attachments**

- A) Proposed Ordinance
- B) Existing Ordinance

AN ORDINANCE TO AMEND CHAPTER 5 OF TITLE 8, (BEACHES, WATERWAYS, RECREATIONAL AREAS, AND ARTS), OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; TO AMEND SECTION 8-5-111, DEFINITIONS; TO AMEND SECTION 8-5-112, PURPOSE; TO DELETE SECTION 8-5-113, NEW DEVELOPMENT; TO ADD SECTION 8-5-113, STANDARDS FOR NEW DEVELOPMENT AND REMODELING OF EXISTING DEVELOPMENT; TO AMEND SECTION 8-5-114, EXEMPTIONS FOR NEW DEVELOPMENT; TO DELETE SECTION 8-5-115, EXISTING DEVELOPMENT; TO ADD SECTION 8-5-115, STANDARDS FOR EXISTING DEVELOPMENT; TO DELETE SECTION 8-5-116, PUBLICLY OWNED LIGHTING; TO AMEND SECTION 8-5-117, ENFORCEMENT AND PENALTY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, the Town Council of the Town of Hilton Head Island did previously adopt Chapter Five (5) of Title 8 of the Municipal Code of the Town of Hilton Head Island to regulate sea turtle protection; and

**WHEREAS**, research on sea turtle nesting and hatchling habits has advanced considerably since the regulations were adopted in 1990; and

**WHEREAS**, Town Council desires to amend Chapter Five (5) Title 8 of the Municipal Code of the Town of Hilton Head Island to update and clarify sea turtle protection regulations;

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:**

**NOTE: Double underlined and bold-face typed portions indicate additions to the Ordinance. ~~Stricken~~ portions indicate deletions to the Ordinance.**

**Section 1. Amendment.** That Section 8-5-111 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 8-5-111. – Definitions.

For the purpose of this chapter, the following terms shall have the meanings set forth in this section:

- (a) ~~Artificial light: Any source of light emanating from a manmade device, including but not limited to incandescent mercury vapor, metal halide, or sodium lamps, flashlights, spotlights, street lights, vehicular lights, construction or security lights.~~
- (a) **Artificial light: Any source of light emanating from a manmade device, including but not limited to compact fluorescent (CFL), diode, fluorescent, halogen, incandescent, light emitting diode (LED), mercury and sodium lamps or bulbs; candlelight; construction lights; digital displays; entryway lights; firelight; flashlights; light from handheld digital devices; landscape lights; parking or garage lights; pathway or walkway lights; projector light; rope and string lights;**

**security lights; spotlights; street lights; light from televisions; temporary lights; torch light; underwater lights; vehicular lights; and water feature lights.**

- (b) *Beach*: That area 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).
- (c) **Fixture: Artificial light housing.**
- (d) **Floodlight**: Reflector-type **exterior** light fixture which is attached directly to a building **or pole** and which is unshielded.
- ~~(d)~~ (e) **Low profile luminaire**: Light fixture set on a base which raises the source of the light no higher than forty-eight (48) inches off the ground, and designed in such a way that light is directed downward from a hooded **shielded** light source.
- (e) (f) **New development**: Shall include new construction **of structures**, and remodeling of existing structures when such remodeling includes alteration the installation of new and/or replacement of exterior lighting.
- (f) *Person*: Any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group, or unit or federal, state, county or municipal government.
- (g) *Pole lighting*: Light fixture set on a base or pole which raises the source of the light higher than forty-eight (48) inches off the ground.
- (g) **Opaque: Blocking the passage of light.**
- (h) **Remodeling of existing development: Shall include changes to existing structures when such changes include the installation of new and/or the replacement of exterior lighting fixtures, windows, and glass doors.**
- ~~(h)~~ *Solar screen*: Screens which are fixed installations and permanently project shade over the entire glass area of the window. The screens must be installed outside of the glass and must:
  - (1) Have a shading coefficient of .45 or less; and
  - (2) Carry a minimum five year warranty; and
  - (3) Must have performance claims supported by approved testing procedures and documentation.
- (i) *Tinted or filmed glass*: Window glass which has been covered with window tint or film such that the material has:
  - (1) A shading coefficient of .45 or less; and
  - (2) A minimum five year warranty; and
  - (3) Adhesive as an integral part; and



- (4) Performance claims which are supported by approved testing procedures and documentation.
- (j) *Shading coefficient*: A coefficient expressing that percentage of the incident radiation which passes through the window as heat.
- (i) Sea turtle nesting season**: The period from May 1 through October 31 each year.
- (i) Security light**: An exterior light fixture that illuminates a portion of a structure or property that is intended to deter or detect intrusions or other criminal activity and for the safety of property owners and guests.
- (k) Shield**: An opaque material covering the bulb, lamp or glowing lens of an exterior light fixture such that the bulb, lamp or glowing lens is not visible except when viewed from underneath the shield.
- (h) (l) Solar screen**: Solar screens that cover the entire glass area of a window or glass door. Solar screens must have a manufacturer verified inside-to-outside light transmittance value of 0.45 (45 percent) or less.
- (m) Tinted or filmed glass**: Glass treated to reduce light transmittance. Tinted or filmed glass must have a manufacturer verified inside-to-outside light transmittance value of 0.45 (45 percent) or less. Tinted or filmed glass cannot be dual-reflective (i.e. mirror finish).
- (n) Transmittance value**: A measurement of the percentage of visible light that leaves the interior of a structure through glass windows or doors. This measurement is related to the absorbance of the applied material, rated by the manufacturer.
- (o) Visible from the beach**: Capable of being observed by or within the line of sight of a pedestrian walking or standing on the beach.

(Ord. No. 90-13, § 1, 5-7-90)

**Section 2. Amendment.** That Section 8-5-112 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 8-5-112. – Purpose.

The purpose of this chapter is to protect the threatened and endangered sea turtles which nest along the beaches of Hilton Head Island, by safeguarding **nesting females and** the hatchlings from sources of artificial light which **can** causes misorientation and subsequent death.

(Ord. No. 90-13, § 1, 5-7-90)

**Section 3. Deletion.** That Section 8-5-113 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby deleted as follows:

Sec. 8-5-113. – New development.

It is the policy of the Town of Hilton Head Island that no artificial light shall illuminate any area of the beaches of Hilton Head Island. To meet this intent, building and electrical plans for construction of single-family or multifamily dwellings, commercial or other structures, including electrical plans associated with parking lots, dune walkovers or other outdoor lighting if such lighting can be seen from the beach, shall be in compliance with the following:

- ~~(a) Floodlights shall be prohibited. Wall-mounted light fixtures shall be fitted with hoods so that no light illuminates the beach.~~
  - ~~(b) Pole lighting shall be shielded in such a way that light will be contained within an arc of three (3) to seventy-three (73) degrees on the seaward side of the pole. Outdoor lighting shall be held to the minimum necessary for security and convenience.~~
  - ~~(c) Low profile luminaires shall be used in parking lots and such lighting shall be positioned so that no light illuminates the beach.~~
  - ~~(d) Dune walkovers shall utilize low profile shielded luminaires.~~
  - ~~(e) Lights on balconies shall be fitted with hoods so that lights will not illuminate the beach.~~
  - ~~(f) Tinted or filmed glass shall be used in windows above the first floor of on multistory structures. Shade screens can be substituted for this requirement.~~
  - ~~(g) Temporary security lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall not spread beyond the boundary of the property being developed and in no case shall those lights illuminate the beach.~~
- ~~(Ord. No. 90-13, § 1, 5-7-90)~~

**Section 4. Addition.** That Section 8-5-113 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby added as follows:

**Sec. 8-5-113. – Standards for new development and remodeling of existing development.**

**It is the policy of the Town of Hilton Head Island that no artificial light shall illuminate any area of the beaches of Hilton Head Island. It is the goal of the Town of Hilton Head Island to reduce the number of nesting females and sea turtle hatchlings misoriented by artificial light. To meet these intents, all new development and remodeling of existing development shall meet the standards below. Exterior light fixtures, windows, and glass doors that would be visible from the beach if they were not obscured from view of the beach by vegetation when they are installed shall meet the standards below.**

- (a) Exterior light fixtures visible from the beach shall be completely downward-directed.**
- (b) Exterior light fixtures visible from the beach shall be shielded per the requirements in Sec. 8-5-111.**

- (c) Floodlights visible from the beach serving as temporary security lighting at construction sites shall not be mounted more than fifteen (15) feet above the ground. The light shall not spread beyond the boundary of the property being developed.
- (d) Permanent security lighting visible from the beach shall be permitted throughout the night as long as low profile luminaires that meet the requirements in Sec. 8-5-111 are used.
- (e) Light fixtures illuminating areas of dune walkovers shall be turned off between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season. Light fixtures illuminating areas of dune walkovers that produce long wavelength light (560 nanometers (NM) or greater), which is amber, orange or red light, are exempt from this requirement.
- (f) Windows and glass doors which are visible from the beach shall be tinted per the requirements in Sec. 8-5-111 or shall be installed with an interior or exterior solar screen that meets the requirements in Sec. 8-5-111. If a solar screen is used, it must completely cover the glass between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season.

**Section 5. Amendment.** That Section 8-5-114 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 8-5-114. - Exemptions for new development.

The provisions of section 8-5-113 of this chapter shall not apply to any new structure for which a building permit has been issued applied or for any existing structure for which a building permit for the replacement of exterior light fixtures, windows, or glass doors has been applied to by the Town of Hilton Head Island, prior to the effective date of this chapter May 1, 2020.

(Ord. No. 90-13, § 1, 5-7-90)

**Section 6. Deletion.** That Section 8-5-115 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby deleted as follows:

~~Sec. 8-5-115. Existing development.~~

~~It is the policy of the Town of Hilton Head Island that no artificial light shall illuminate any area of the beaches of Hilton Head Island, South Carolina. To meet this intent, lighting of existing structures which can be seen from the beach shall be in compliance with the following within six (6) months of the effective date of this chapter.~~

- ~~(a) Lights illuminating buildings or associated structures and grounds for decorative or recreational purposes shall be shielded or screened such that they are not visible from the beach, or turned off after 10:00 p.m. during the period of May 1 to October 31 of each year.~~

- ~~(b) Lights illuminating dune walkovers of any areas oceanward of the dune line shall be turned off after 10:00 p.m. during the period of May 1 to October 31 of each year.~~
- ~~(c) Security lighting shall be permitted throughout the night so long as low profile luminaires are used and screened in such a way that those lights do not illuminate the beach.~~
- ~~(d) Window treatments in windows facing the ocean above the first floor of multistory structures are required so that interior lights do not illuminate the beach. The use of black-out draperies or shade screens are preferred. The addition of tint or film to windows or awnings is also encouraged, as is turning off unnecessary lights if the light illuminates the beach.~~

(Ord. No. 90-13, § 1, 5-7-90)

**Section 7. Addition.** That Section 8-5-115 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby added as follows:

**Sec. 8-5-115. – Standards for existing development.**

**It is the policy of the Town of Hilton Head Island that no artificial light shall illuminate any area of the beaches of Hilton Head Island. It is the goal of the Town of Hilton Head Island to reduce the number of nesting females and sea turtle hatchlings misoriented by artificial light. To meet these intents, all existing development shall meet the standards below.**

- (a) All exterior light fixtures visible from the beach shall be completely downward-directed by May 1, 2021 or they shall be turned off between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season.**
- (b) All exterior light fixtures visible from the beach shall be shielded per the requirements in Sec. 8-5-111 by May 1, 2021 or they shall be turned off between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season.**
- (c) After May 1, 2020, floodlights visible from the beach serving as temporary security lighting at construction sites shall not be mounted more than fifteen (15) feet above the ground. The light shall not spread beyond the boundary of the property being developed.**
- (d) After May 1, 2020, permanent security lighting visible from the beach shall be permitted throughout the night as long as low profile luminaires that meet the requirements in Sec. 8-5-111 are used or they shall be turned off between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season.**
- (e) After May 1, 2020, light fixtures illuminating areas of dune walkovers on the beach shall be turned off between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season. Light fixtures that are shielded, downward-directed and that produce long wavelength light (560 nanometers (NM) or greater), which is amber, orange or red light, are exempt from this requirement.**

- (f) After May 1, 2020, one or more of the following options shall be used so that interior artificial light is not visible from the beach between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season:**
- 1. Turn off interior lights that are visible from the beach between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season.**
  - 2. Use opaque material (curtains, blinds, drapes, etc.) or solar screens meeting the requirements in Sec. 8-5-111 to cover windows and glass doors that are visible from the beach between 10:00 pm. and 6:00 a.m. during sea turtle nesting season.**
  - 3. Tint or apply film meeting the requirements in Sec. 8-5-111 to windows and glass doors that are visible from the beach.**

**Section 8. Deletion.** That Section 8-5-116 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby deleted as follows:

~~Sec. 8-5-116. — Publicly owned lighting.~~

~~Streetlights and lighting at parks and other publicly owned beach access areas shall be subject to, as well as the following:~~

- ~~(a) Whenever possible, streetlights shall be located so that the bulk of their illumination will travel away from the beach. These lights shall be equipped with shades or shields that will prevent backlighting and render them not visible from the beach.~~
- ~~(b) Lights at parks or other public beach access points shall be shielded or shaded or shall not be utilized during the period May 1 to October 31 of each year.~~

~~(Ord. No. 90-13, § 1, 5-7-90)~~

**Section 9. Amendment.** That Section 8-5-117 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

~~Sec. 8-5-117. - Enforcement and penalty.~~

~~This chapter shall be enforced in accordance with the provisions of this chapter, with penalties set forth in section 1-5-10 of this Code.~~

~~(Ord. No. 90-13, § 1, 5-7-90)~~

**Section 10. Severability.** If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 11. Effective Date.** This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

THE TOWN OF HILTON HEAD  
ISLAND, SOUTH CAROLINA

\_\_\_\_\_  
John J. McCann, Mayor

ATTEST:

\_\_\_\_\_  
Krista Wiedmeyer, Town Clerk

First Reading:  
Second Reading:

APPROVED AS TO FORM:

\_\_\_\_\_  
Curtis L. Coltrane, Town Attorney

Introduced by Council Member: \_\_\_\_\_

# TOWN OF HILTON HEAD ISLAND

## MUNICIPAL CODE

### Chapter 5 - SEA TURTLE PROTECTION

#### Sec. 8-5-111. - Definitions.

For the purpose of this chapter, the following terms shall have the meanings set forth in this section:

- (a) *Artificial light*: Any source of light emanating from a manmade device, including but not limited to, incandescent mercury vapor, metal halide, or sodium lamps, flashlights, spotlights, street lights, vehicular lights, construction or security lights.
- (b) *Beach*: That area 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).
- (c) *Floodlight*: Reflector-type light fixture which is attached directly to a building and which is unshielded.
- (d) *Low profile luminaire*: Light fixture set on a base which raises the source of the light no higher than forty-eight (48) inches off the ground, and designed in such a way that light is directed downward from a hooded light source.
- (e) *New development*: Shall include new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.
- (f) *Person*: Any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group, or unit or federal, state, county or municipal government.
- (g) *Pole lighting*: Light fixture set on a base or pole which raises the source of the light higher than forty-eight (48) inches off the ground.
- (h) *Solar screen*: Screens which are fixed installations and permanently project shade over the entire glass area of the window. The screens must be installed outside of the glass and must:
  - (1) Have a shading coefficient of .45 or less; and
  - (2) Carry a minimum five-year warranty; and
  - (3) Must have performance claims supported by approved testing procedures and documentation.
- (i) *Tinted or filmed glass*: Window glass which has been covered with window tint or film such that the material has:
  - (1) A shading coefficient of .45 or less; and
  - (2) A minimum five-year warranty; and
  - (3) Adhesive as an integral part; and

(4) Performance claims which are supported by approved testing procedures and documentation.

(j) *Shading coefficient*: A coefficient expressing that percentage of the incident radiation which passes through the window as heat.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-112. - Purpose.

The purpose of this chapter is to protect the threatened and endangered sea turtles which nest along the beaches of Hilton Head Island, by safeguarding the hatchlings from sources of artificial light which cause disorientation and subsequent death.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-113. - New development.

It is the policy of the Town of Hilton Head Island that no artificial light shall illuminate any area of the beaches of Hilton Head Island. To meet this intent, building and electrical plans for construction of single-family or multifamily dwellings, commercial or other structures, including electrical plans associated with parking lots, dune walkovers or other outdoor lighting if such lighting can be seen from the beach, shall be in compliance with the following:

- (a) Floodlights shall be prohibited. Wallmounted light fixtures shall be fitted with hoods so that no light illuminates the beach.
- (b) Pole lighting shall be shielded in such a way that light will be contained within an arc of three (3) to seventy-three (73) degrees on the seaward side of the pole. Outdoor lighting shall be held to the minimum necessary for security and convenience.
- (c) Low profile luminaires shall be used in parking lights and such lighting shall be positioned so that no light illuminates the beach.
- (d) Dune walkovers shall utilize low profile shielded luminaires.
- (e) Lights on balconies shall be fitted with hoods so that lights will not illuminate the beach.
- (f) Tinted or filmed glass shall be used in windows facing the ocean above the first floor of multistory structures. Shade screens can be substituted for this requirement.
- (g) Temporary security lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall not spread beyond the boundary of the property being developed and in no case shall those lights illuminate the beach.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-114. - Exemptions for new development.



The provisions of section 8-5-113 of this chapter shall not apply to any structure for which a building permit has been issued by the Town of Hilton Head Island, prior to the effective date of this chapter.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-115. - Existing development.

It is the policy of the Town of Hilton Head Island that no artificial light shall illuminate any area of the beaches of Hilton Head Island, South Carolina. To meet this intent, lighting of existing structures which can be seen from the beach shall be in compliance with the following within six (6) months of the effective date of this chapter.

- (a) Lights illuminating buildings or associated structures and grounds for decorative or recreational purposes shall be shielded or screened such that they are not visible from the beach, or turned off after 10:00 p.m. during the period of May 1 to October 31 of each year.
- (b) Lights illuminating dune walkovers of any areas oceanward of the dune line shall be turned off after 10:00 p.m. during the period of May 1 to October 31 of each year.
- (c) Security lighting shall be permitted throughout the night so long as low profile luminaires are used and screened in such a way that those lights do not illuminate the beach.
- (d) Window treatments in windows facing the ocean above the first floor of multistory structures are required so that interior lights do not illuminate the beach. The use of black-out draperies or shade screens are preferred. The addition of tint or film to windows or awnings is also encouraged, as is turning off unnecessary lights if the light illuminates the beach.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-116. - Publicly owned lighting.

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

- (a) Whenever possible, streetlights shall be located so that the bulk of their illumination will travel away from the beach. These lights shall be equipped with shades or shields that will prevent backlighting and render them not visible from the beach.
- (b) Lights at parks or other public beach access points shall be shielded or shaded or shall not be utilized during the period May 1 to October 31 of each year.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-117. - Enforcement and penalty.

This chapter shall be enforced in accordance with the provisions of this chapter, with penalties set forth in section 1-5-10 of this Code.

(Ord. No. 90-13, § 1, 5-7-90)

EXISTING