



The Town of Hilton Head Island
Public Planning Committee Meeting
Thursday, September 19, 2019 – 9:00 a.m.
Benjamin M. Racusin Council Chambers

AGENDA

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 August 19, 2019
- b. Regular Meeting August 22, 2019

4. Unfinished Business

- a. Review of Sea Turtle Protection Ordinance Revisions
- b. Additional discussion related to Holes and Garden Shovels on the Beach Ordinance
- c. Additional discussion related to Specific Workforce Housing recommendations
 - i. Sliding scale for bonus density
 - ii. AMI (Area Median Income) targets
 - iii. Recommended funding level for a Workforce Housing program

5. New Business

6. Staff Updates

- a. Tree removal for single-family subdivisions
- b. Zero lot line LMO provisions
- c. LMO Amendment process

7. 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

Monday, August 19, 2019 at 1:00 p.m.
Benjamin M. Racusin Council Chambers

MEETING MINUTES

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

Absent from the Committee: None

Present from Town Council: Marc Grant, Mayor John McCann

Present from Town Staff: Shawn Colin, Director of Community Development; Nicole Dixon, Development Review Administrator; Sheryse DuBose, Historic Neighborhoods Preservation Administrator; Carolyn Grant, Communications Director; Josh Gruber, Assistant Town Manager; Teri Lewis, Deputy Director of Community Development; Jayme Lopko, Senior Planner; Tyler Newman, Senior Planner; Jennifer Ray, Deputy Director of Community Development; Teresa Haley, Senior Administrative Assistant

1. Call to Order

Chairman Ames called the meeting to order at 1:02 p.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. Unfinished Business – None

4. New Business

a. Review of recommendations from the Gullah Geechee Culture Preservation Project Report

Ms. DuBose, Historic Neighborhoods Preservation Administrator (HNPA), made a presentation on the item. Staff recommends that the Public Planning Committee forward to Town Council a recommendation to accept the Gullah Geechee Culture Preservation Report (Report).

The Committee complimented the Gullah Geechee Land & Cultural Preservation Task Force (Task Force) and Staff on their work. The Committee made comments and inquiries regarding: the Task Force and Staff working together to prioritize the Staff recommendations; seeing a collective effort between staff and the community in the example of an open air market; support of the overall recommendations and furthermore the Town Council, Task Force, and Staff reviewing them in greater detail over the next few months; consider maintaining a database of heirs property title issues and resolutions to better assist other families with similar issues; consider requiring applicants who wish to develop within the proposed Historic Gullah Neighborhoods Conservation Overlay District to donate to the Town easements or ROW in order to provide adequate infrastructure to serve development in the area; coordinating a plan to preserve land and the rights of private landowners; in PP-4, Staff Response, change Staff “could” to “will” consider; in PP-5, Staff Response, change Staff “may” to “will” consider; understanding “long-term” does not mean delay in action; and fine tuning the recommendations over the next few months in time for Town Council’s December retreat.

The Committee thanked Mr. Lavon Stevens, Chairman of the Task Force, for his leadership on this effort. Mr. Stevens shared remarks about the community's work and emphasized the importance of communication, transparency, and accountability.

Chairman Ames asked public comments and the following were received: compliments to the Task Force, Committee, and Staff on their work; support of the recommendations; collective efforts on the part of the Town and community to meet the community needs; matching specific recommendations to an accountable timeline; create an advisory board to work with the HNP; compliments on the Historic Neighborhoods signs; make the overlay zoning district a priority; implement a quarterly status report on the recommendations; keep the Task Force in place to continue the work; support for the Task Force recommendations over Staff's; consideration of certain metrics in the RFQ for the DMO; allocation of funds to the Black Chamber of Commerce; and creating subdivision standards.

With no further discussion from the public or the Committee, Chairman Ames asked for a motion.

Mr. Harkins moved that the Public Planning Committee forward to Town Council a recommendation to accept the Gullah Geechee Culture Preservation Report. Furthermore, that Town Staff and the Gullah Geechee Land & Cultural Preservation Task Force prioritize the Town Staff recommendations; the Town Manager develop a work plan with immediate emphasis on the highest priorities; the Town Manager include a status report, identify resources, and develop an accountable timeline from the Historic Neighborhoods Preservation Administrator; all of which will be discussed at the next Town Council meeting and annual retreat in December. Ms. Becker seconded. The motion passed with a vote of 5-0-0.

5. Adjournment

The meeting was adjourned at 2:32 p.m.

Submitted by: Teresa Haley, Secretary

Approved: [DATE]



Town of Hilton Head Island
Public Planning Committee Regular Meeting

Thursday, August 22, 2019 at 3:00 p.m.

Benjamin M. Racusin Council Chambers

MEETING MINUTES

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

Absent from the Committee: None

Present from Town Council: None

Present from Town Staff: Shawn Colin, Director of Community Development; Wendy Conant, Code Enforcement Officer; Anne Cyran, Senior Planner; Nicole Dixon, Development Review Administrator; Carolyn Grant, Communications Director; Josh Gruber, Assistant Town Manager; Taylor Ladd, Senior Planner; Scott Liggett, Director of Public Projects and Facilities/Chief Engineer; Jayme Lopko, Senior Planner; Todd McNeill, Code Enforcement Officer; Jennifer Ray, Deputy Director of Community Development; Teresa Haley, Senior Administrative Assistant

1. Call to Order

Chairman Ames called the meeting to order at 3:00 p.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. Regular Meeting July 25, 2019**

Mr. Stanford moved to approve the minutes of the July 25, 2019 regular meeting. Ms. Becker seconded. The motion passed with a vote of 4-0-1. Mr. Harkins abstained as he was not present at the subject meeting.

4. Unfinished Business

- a. Review of Holes and Shovels on the Beach Ordinance**

Ms. Cyran presented the item. Staff recommends the Public Planning Committee forward the draft ordinance and the recommended methods of education and enforcement to Town Council with a recommendation of approval.

The Committee thanked the many individuals and organizations for their contributions to sea turtle protection and beach preservation. The Committee made comments and inquiries regarding: other jurisdictions with an ordinance similar to staff's proposal; specify the height and width of the shovel prohibited; continue to encourage the creativity of children; add language to specify that the ordinance restricts digging holes on the beach; the importance of communication, education, signage, and enforcement; reorder the drafted language to address (i) filling holes, (ii) the time, (iii) size of shovel; methods of enforcement in other jurisdictions; and the desire to maintain the Island's family-friendly brand.

Chairman Ames asked for public comments and the following were received: education and signage are effective tools; concern that filled in holes no longer contain compacted sand; suggestions on programs and signage to support ecotourism and engage the community; concern for lack of enforcement; consider Amelia Island's Leave No Trace Ordinance; and consider prohibiting fishing on the beach as a result of fish hooks left behind.

Mr. Harkins moved that the Public Planning Committee forward the draft ordinance and the recommended methods of education and enforcement to Town Council with a recommendation of approval with the following additions:

- Add more specificity on the height and width of the shovel;
- Add language lifted from the Amelia Island Leave No Trace Ordinance;
- Add a "whereas" paragraph that recognizes the innate desire and creativity of children to dig holes and build sandcastles on the beach;
- Reorder language in the draft ordinance Section 8-1-211 to address filling holes first, the time second, and the size of shovel third.
- A well thought out and promulgated communication and enforcement strategy in place by year end.

Mr. Stanford seconded. The motion passed with a vote of 5-0-0.

b. Acceptance of the Workforce Housing Strategic Plan and consideration of tools and strategies for implementation to address Workforce Availability

Mr. Colin presented the item. Staff recommends that the Public Planning Committee forward a recommendation to Town Council to accept the Workforce Housing Strategic Plan prepared by consultant Lisa Sturtevant & Associates, LLC; and, further recommend to Town Council tools and strategies, as outlined in the staff approach, for implementation to address Workforce Availability. Furthermore, support of the key components:

- Target 60-80% of Average Median Income (AMI) for workforce housing initiatives
- Regional housing trust fund to determine fiscal impact
- Commercial Reuse Policy
- Bonus Density Program
- Use of Town-owned property for workforce housing

The Committee complimented Staff on their work. The Committee made comments and inquiries regarding: whether the Town should invest public funds in this; what the baseline of set asides for affordable housing and increased density should be; appropriate infrastructure; targeting 60-80% AMI; advantages and disadvantages of joining a regional trust fund; whether a regional housing trust would have a transportation component; general consensus that a housing trust fund is important; flexibility in room size regarding a commercial reuse policy; defining affordability; market rate and workforce conversions in a commercial reuse policy; consider increasing the percentage of workforce units permitted; and determining the bonus density permitted in a workforce housing overlay district.

Mr. Harkins exited the meeting at this time.

Chairman Ames asked for public comments and the following were received: support for the recommendations; consider including residents living outside the gates in the decision making process; support of consultant to further evaluate a regional fund; additional incentives for families that participate in providing workforce housing; expedite the permitting process; support for the regional trust fund, consultant, and staff recommendations; Town budget observations FY2020 and FY2021; concern with low number of square footage spaces;

consider asking the community the square footage desired; public land investment; payment in lieu of for density bonus; support to include 30-60% AMI; concern for regulations impeding developer progress; apply the commercial reuse program to mixed use development; concern for using Town-owned property and increasing density; consider putting a cap on density, building height and GFA; target underutilized commercial spaces for workforce housing; Bluffton's bonus density program has not shown success; and concern the current infrastructure and transportation needs do not support additional citizens living on Island.

Mr. Lennox moved to recommend that the Public Planning Committee forward a recommendation to Town Council to accept the Workforce Housing Strategic Plan; and, further recommend to Town Council tools and strategies, as outlined in the staff approach, for implementation to address Workforce Availability. Furthermore, support of the key components:

- Target 60-80% of Average Median Income (AMI) for workforce housing initiatives
- Regional housing trust fund to determine fiscal impact
- Commercial Reuse Policy
- Bonus Density Program
- Use of Town-owned property for workforce housing

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

5. New Business

a. Discussion of Regional Housing Trust Fund Recommendation

Ms. Ray began the discussion and presented the resolution associated with the item. Staff recommends that the Public Planning Committee forward a recommendation to Town Council to approve a resolution authorizing the Town Manager to enter into a Memorandum of Agreement with Beaufort County for the purposes of cost sharing for contracting for consulting services to develop a regional Affordable Housing Trust Fund. Ms. Ray clarified the Town's share is not to exceed \$25,000.

Chairman Ames asked for public comments and none were received.

Ms. Becker moved to recommend that the Public Planning Committee forward a recommendation to Town Council to approve a resolution authorizing the Town Manager to enter into a Memorandum of Agreement with Beaufort County for the purposes of cost sharing for contracting for consulting services to develop a regional Affordable Housing Trust Fund. Mr. Stanford seconded. The motion passed with a vote of 4-0-0.

Mr. Lennox moved that the Public Planning Committee make a request to the Mayor that this item skip the brief and go directly to the Town Council's September 17, 2019 meeting. Mr. Stanford seconded. The motion passed with a vote of 4-0-0.

6. Adjournment

The meeting was adjourned at 5:10 p.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: September 11, 2019
SUBJECT: Proposed Revisions to the Sea Turtle Protection Ordinance

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

Staff amended the proposed revisions to the ordinance based on public comments and feedback from the United States Fish & Wildlife Service (FWS).

Most of the public comments regarded the requirement to install solar screens or tinted or filmed glass on all windows and glass doors facing the ocean. Though most supported the goal of reducing the amount of interior light that is visible from the beach, affected property owners requested that the ordinance provide options instead of requiring the use of solar screens or tinted or filmed glass. The ordinance was revised to allow several options to reduce or eliminate interior artificial light visible from the beach (page 5).

Staff asked FWS, one of the agencies that reviews the Town's beach renourishment applications, for feedback on the proposed changes to the ordinance. FWS ensures beach renourishment activities won't negatively impact threatened and endangered species, including sea turtles. FWS requested that the ordinance include a requirement that property owners who receive two or more notices of violation from the Town in a nesting season be required to install solar screens or tinted or filmed glass to the windows in violation of the ordinance. The ordinance was revised to reflect this request (page 5).

The other amendments were: to keep the existing light transmittance value (i.e. shading coefficient) of 0.45 in the definitions of *solar screen* and *tinted or filmed glass*; and to remove the requirement that all exterior light fixtures use sea turtle friendly bulbs.

Background

After the initial revisions to the ordinance were presented at the May 29, 2019 Committee meeting, staff held several meetings in June and July to discuss the changes and receive comments from the public. The revised ordinance was then sent to FWS for review.

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 ARTIFICIAL LIGHT; TO DELETE SECTION 8-5-114, EXEMPTIONS FOR NEW DEVELOPMENT; TO DELETE SECTION 8-5-115, 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: 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) **Fixture, Existing: A fixture that is installed at the time the ordinance is enacted.**
- (e) **Fixture, New: A fixture installed in a location where a fixture was not previously installed.**
- (f) **Fixture, Replacement: A fixture installed to replace an existing fixture.**
- (e) ~~(g)~~ **Floodlight**: Reflector-type **exterior** light fixture which is attached directly to a building **or pole** and which is unshielded.
- (d) ~~(h)~~ **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.
- (i) Illumination (illuminate): The lighting of any area of the beach by any artificial 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.
- (i) Sea turtle nesting season: The period from May 1 through October 31 each year.
- (k) 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.
- (l) 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) (m) Solar screen: Solar screens that are permanently installed on the exterior of the structure and cover the entire glass area of a window or glass door. Solar screens must:
 - (1) Have a manufacturer verified inside-to-outside light transmittance value of 0.45 (45 percent) or less; and
 - (2) Carry a minimum five-year manufacturer warranty; and
 - (3) Be repaired or replaced as necessary to maintain a light transmittance value of 0.45 or less.
- (n) Tinted or filmed glass: Glass treated to reduce light transmittance. Tinted or filmed glass must:
 - (1) Have a manufacturer verified inside-to-outside light transmittance value of 0.45 (45 percent) or less; and
 - (2) Not be dual-reflective (i.e. mirror finish); and
 - (3) Carry a minimum five-year manufacturer warranty; and
 - (4) Be repaired or replaced as necessary to maintain a light transmittance value of 0.45 or less.
- (o) 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.

(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 disorientation 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. 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 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 artificial light.

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, all new and replacement exterior artificial light fixtures that are visible from the beach shall be in compliance with the standards set forth in this section. Existing exterior artificial light fixtures that are visible from the beach shall be in compliance with this section as of May 1, 2020.

- (a) Floodlights shall be shielded, completely downward-directed, and shall not illuminate the beach. Unshielded floodlights shall be prohibited.**
- (b) New and replacement exterior light fixtures shall be completely downward-directed.**
- (c) For existing exterior light fixtures with movable shields, the shields shall be moved to direct the light downward.**
- (d) All exterior light fixtures shall be shielded. Exterior light fixtures with non-opaque shields that adequately distort artificial light from the bulb, lamp or glowing lens so the light source is not visible from the beach may be exempt from this requirement.**
- (e) Floodlights serving as temporary security lighting 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.**
- (f) 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 and the light source is not visible from the beach.**
- (g) 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.**
- (h) One or more of the following measures shall be taken to reduce or eliminate interior artificial light visible from the beach.**
- 1. Turn off unnecessary lights between 10:00 pm. and 6:00 a.m. during sea turtle nesting season.**
 - 2. Use window treatments (curtains, blinds, drapes, etc.) to shield interior lights from the beach.**
 - 3. Rearrange lamps and other movable fixtures away from windows and glass doors.**
 - 4. Install windows and glass doors with tinted glass meeting the standards in Sec. 8-5-111.**
 - 5. Install tinted film meeting the standards in Sec. 8-5-111 on windows and glass doors.**
 - 6. Install solar screens meeting the standards in Sec. 8-5-111 on windows.**
- (i) When more than one notice of violation of interior artificial light illuminating the beach is issued by the Town during a calendar year, the owner of the structure in violation of the ordinance shall, within 60 days of the date the second notice of violation is issued, install tinted film or tinted glass or solar screens meeting the standards in Sec. 8-5-111 on those windows and glass doors through which interior artificial light illuminated the beach in violation of the ordinance.**

Motion detector controls are encouraged for construction and security lights. To the greatest extent practicable, flashlights, electronic screens and any other artificial light used for safety or navigation on the beach shall emit amber, orange or red light or the light source shall be covered with amber, orange, or red material between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season.

Section 5. Deletion. That Section 8-5-114 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby deleted 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 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)~~

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. 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 8. 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. 8-5-1174. - 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 9. 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 10. 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 _____, 2019.

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: _____

DRAFT



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: September 10, 2019
SUBJECT: Proposed Ordinance – Regulating Beach Holes & Shovels & Personal Property Left Unattended or Stored on the Beach Overnight

Recommendation

Staff recommends the Public Planning Committee forward the draft ordinance to Town Council with a recommendation of approval, with consideration and further recommendation on the items listed below.

Summary

The proposed ordinance is revised to reflect the Committee's comments during the August 22, 2019 meeting: the maximum width of shovel allowed on the beach is specified; language from Amelia Island's ordinance prohibiting personal property from being left on the beach overnight is included; a Whereas paragraph that recognizes the innate desire and creativity of children to dig holes and build sandcastles on the beach is included; and the statements in the *Digging holes and shovels* section are re-ordered.

Staff requests the Committee consider and make further recommendations on the following additional changes to the proposed ordinance:

1. Remove the limit on the maximum width of holes on the beach.
2. Increase the maximum length of shovels permitted on the beach from 14 to 30 inches.
3. Specify that shovels permitted on the beach shall be made of wood and/or plastic.

Background

On June 27, 2019, the Public Planning Committee voted unanimously to recommend to Town Council that large shovels be prohibited on the beach and that staff should report on how this could be enforced.

On August 22, 2019, the Public Planning Committee voted unanimously to forward the proposed ordinance to Town Council with several revisions, which are listed above.

AN ORDINANCE TO AMEND CHAPTER 1 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 8-1-211, UNLAWFUL ACTIVITIES ENUMERATED; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Hilton Head Island did previously adopt Chapter One (1) of Title 8 of the Municipal Code of the Town of Hilton Head Island to regulate use of the beaches; and

WHEREAS, Town Council recognizes the innate desire of children to dig holes and build sandcastles on the beach and does not desire to discourage these activities; and

WHEREAS, Town Council desires to regulate large holes dug on the beach that produce problems such as impeding sea turtle access to nesting areas, slowing emergency vehicles, and injuring those who are walking, running, and biking on the beach; and

WHEREAS, Town Council desires to amend Chapter One (1) Title 8 of the Town of Hilton Head Island to regulate the digging of holes and the size of shovels allowed on the beach; and

WHEREAS, Town Council desires to regulate personal property left unattended or stored on the beach overnight, which is hazardous to wildlife and impedes access to the beach;

WHEREAS, Town Council desires to amend Chapter One (1) Title 8 of the Town of Hilton Head Island to prohibit leaving unattended or storing overnight personal property on the beach; and

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: Underlined and bold-face typed portions indicate additions to the Ordinance.

Section 1. Amendment. That Section 8-1-112 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 8-1-112. – Definitions.

Personal Property shall mean but is not limited to towels, tents (including tent frames), cabanas, umbrellas and other shading device, beach chairs and other furniture, picnic tables, tiki huts, volleyball nets, hammocks, floats, sailboards, surfboards, kits, jet skis, sailboats, water cycles and other watercraft, beach toys, grills, nets, coolers, kayaks, general items for beach recreation, or similar items.

Section 2. Amendment. That Section 8-1-211 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 8-1-211. – Unlawful activities enumerated.

In order to assure the public health, safety, and welfare of all individuals using the beaches within the town, it shall be unlawful for any person to do any of the following activities on the beaches within the town:

(22) Digging holes and shovels. Anyone digging a hole or creating a sand structure on the beach shall restore the sand to its natural condition before leaving the beach but in no case not later than 30 minutes prior to sunset as stated by the National Weather Service. Shovels, except those that are intended for use by children and are less than 14 inches in length and 6 inches in width, shall be prohibited on the beach. No persons shall dig any hole to a depth or width greater than 12 inches on the beach. Authorized personnel, including members of the Sea Turtle Patrol, Town employees performing work related to beach preservation, and others approved by the Town shall be exempt from the application of this section.

(23) Personal property left unattended. Any personal property referenced in Sec. 8-1-112 left unattended on the beach between the hours from sunset to sunrise as stated by the National Weather Service shall be deemed a public nuisance and the Town or authorized personnel shall dispose of them. Those who leave unattended or store personal property on the beach between the hours from sunset to sunrise do so at their own risk. The Town and authorized personnel do not assume any liability for personal property left unattended or stored on the beach between the hours from sunset to sunrise.

Section 3. 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 4. 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 _____, 2019.

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: _____