



Town of Hilton Head Island
Public Planning Committee Workshop
Thursday, October 29, 2020 – 9:00 a.m.
AGENDA

In accordance with the Town of Hilton Head Island Municipal Code Section 2-5-15, this meeting is being conducted virtually and can be viewed live on the Town's Public Meeting Facebook Page at <https://www.facebook.com/townofhiltonheadislandmeetings/>. Following the meeting, the video record will be made available on the Town's website at <https://www.hiltonheadislandsc.gov/>.

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. Roll Call

4. Sea Turtle Lighting Discussion

a. Presentation by Howard Ackerman (*limited to 15 minutes*)

b. Presentation by Amber Kuehn (*limited to 15 minutes*)

c. Staff Comments

d. Public Comments

Citizens who wish to address the Committee on this topic must contact the Committee Secretary prior to 12:00 p.m. on October 28, 2020. All comments are limited to 3 minutes.

e. Comments by Committee Members

5. Adjournment

Public comments concerning agenda items can be submitted electronically via the Open Town Hall HHI portal at <https://hiltonheadislandsc.gov/opentownhall/>. The portal will close at 4:30 p.m. on October 28, 2020. All comments submitted through the portal will be provided to the Board for review and made part of the official record. Citizens who wish to address the Board during the meeting by phone must contact the Board Secretary at 843-341-4684 no later than 12:00 p.m. on October 28, 2020.

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

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: October 21, 2020
SUBJECT: Proposed Ordinance 2020-23 – Sea Turtle Protection Ordinance

Recommendation

Staff recommends the Public Planning Committee discuss the proposed revisions to the Sea Turtle Protection Ordinance and make a final recommendation to Town Council.

Summary

The proposed Ordinance would update the Town's existing Sea Turtle Protection standards to reduce the number of sea turtle hatchling misorientations caused by artificial light. The new requirements in the Ordinance would take effect on May 1, 2021.

The most significant changes:

1. Outdoor Lights

The existing Ordinance requires outdoor lights visible from the beach to be shielded. The proposed Ordinance also requires these lights to be directed downward. Existing outdoor lights can be turned off between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season, instead of meeting these requirements.

2. Tinted Glass

The existing Ordinance requires tinted glass in new (1990 and after) windows above the first floor. The proposed Ordinance requires tinted glass in new (installed after May 1, 2021) windows and glass doors on all floors, including the first floor. Solar screens can be substituted for this requirement.

3. Interior Lights

The existing Ordinance requires window treatments (blinds, curtains, etc.) to cover non-tinted windows above the first floor between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season.

The proposed Ordinance requires window treatments to cover all non-tinted windows and glass doors – including the first floor – between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season. Instead of using window treatments, those windows and glass doors can be tinted or filmed, or interior lights can be turned off between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season.

The proposed Ordinance allows existing, non-tinted windows that extend above the first floor (which would be impractical to cover with window treatments) to remain uncovered and untinted if long wavelength (sea turtle friendly) bulbs are used in light fixtures.

Background

On January 24, 2019, the Public Planning Committee directed staff to discuss with the Sea Turtle Patrol their concerns about the existing Sea Turtle Protection Ordinance.

Several factors reduced sea turtle hatchling success from 62% to 48% between 2014 and 2018. One factor was artificial light, which can cause sea turtle hatchling misorientation and subsequent death. The existing Ordinance, enacted in 1990, allows artificial light from first floor windows and some outdoor light fixtures to be highly visible from the beach.

The proposed Ordinance requires the existing standards for window tinting and window treatments to apply to all floors of a structure, not just the second floor and above. It also requires outdoor light fixtures to be shielded and directed downward. Property owners can turn off lights between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season, instead of using curtains or altering non-tinted windows or replacing non-conforming outdoor lights.

On May 29, 2019, the Public Planning Committee reviewed the proposed Ordinance and directed staff to discuss several areas of concern with stakeholder groups. In June and July 2019, staff held several meetings with the public and stakeholders, including residents of beachfront property owners associations, concerned citizens, members of the Sea Turtle Patrol, the Hilton Head Area Association of Realtors, and the Hilton Head Area Home Builders Association.

On September 19, 2019, the Public Planning Committee reviewed the proposed Ordinance but did not take action on the item due to legal concerns with the proposed revisions that required further research.

On December 19, 2019, the Public Planning Committee reviewed the proposed Ordinance and asked staff to make two revisions: to add “disorientation” to the purpose statement; and to require construction lights to either be activated by a motion sensor or to use sea turtle friendly bulbs.

On February 27, 2020, the Public Planning Committee voted 3-1 to forward the proposed Ordinance to Town Council with a recommendation of approval.

In April 2020, staff requested that the Mayor postpone scheduling Town Council’s review of the proposed Ordinance to allow time to discuss new deadlines for compliance and concerns regarding requirements for existing development, specifically related to the windows located on the first floor and windows that extend to the second story or above.

On August 27, 2020, the Public Planning Committee voted 2-1 to forward the proposed Ordinance to Town Council with a recommendation of approval.

Attachments

- A) Proposed Ordinance
- B) Existing Ordinance

ORDINANCE NO. 2020-__

PROPOSED ORDINANCE NO. 2020-23

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 disorientation or 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. 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 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. Such fixtures shall be activated by a motion detector or shall use bulbs that produce long wavelength light (560 nanometers or greater), which is amber, orange, or red. 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) New and replacement 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, 2021.

(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, 2021, 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. Such fixtures shall be activated by a motion detector or shall use bulbs that produce long wavelength light (560 nanometers or greater), which is amber, orange, or red. The light shall not spread beyond the boundary of the property being developed.**
- (d) **After May 1, 2021, 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, 2021, 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, 2021, one or more of the following options shall be used so that interior artificial light is less visible from the beach between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season.

1. 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.
2. Tint or apply film meeting the requirements in Sec. 8-5-111 to windows and glass doors that are visible from the beach.
3. 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.

Windows located on the first story that extend into the second story or above – whether continuous or with architectural breaks – shall be exempt from the requirements in Sec. 8-5-115(f)1, Sec. 8-5-115(f)2, and Sec. 8-5-115(f)3 if all interior light fixtures that are visible from the beach use only long wavelength (560 nanometers or greater) lightbulbs provided that ambient light emanating from the first floor and visible through windows above the first floor shall also be exempt from this Section.

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.

Attachment A

(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

Attachment B

(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.

Attachment B

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.

Attachment B

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