



Town of Hilton Head Island  
**Public Planning Committee Meeting**  
**Thursday, August 27, 2020 – 10:00 a.m.**  
**AGENDA**

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This meeting is being conducted virtually in accordance with Town Council Emergency Ordinance 2020-17 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. Approval of Agenda**
- 5. Approval of Minutes**
  - a. Regular Meeting of February 27, 2020
- 6. Citizen Comments**
- 7. Unfinished Business**
  - a. Review and recommendation on Workforce Housing LMO Amendments
  - b. Review and recommendation on Sea Turtle Protection Ordinance Revisions
- 8. New Business**
- 9. Staff Reports**
  - a. Update on Parking Study
  - b. Update on 2020 Trolley Service
- 10. Committee Business**
- 11. Adjournment**

Public comments concerning business items can be submitted electronically via the Town's Virtual Town Hall public comment portal at <https://hiltonheadislandsc.gov/opentownhall/>. The portal will close at **Noon** the day prior to the scheduled meeting. Citizens may also call 843-341-4684 to sign up for public comment on business items during the meeting by phone. The public comment period will close at **Noon** the day prior to the scheduled meeting. All comments will be provided to the Committee for review and made part of the official record.

**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**  
February 27, 2020 at 3:00 p.m. Regular Meeting  
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

**Others Present from Town Council:** None

**Present from Town Staff:** Shawn Colin, Director of Community Development; Josh Gruber, Assistant Town Manager; Scott Liggett, Director of Public Projects and Facilities/Chief Engineer; Teri Lewis, Deputy Director of Community Development; Jennifer Ray, Deputy Director of Community Development; Stephen Ryan, Staff Attorney; Teresa Haley, Senior Administrative Assistant

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### 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. Special Meeting January 16, 2020
- b. Regular Meeting January 23, 2020

Mr. Stanford moved to approve the minutes of the January 16, 2020 special meeting and the January 23, 2020 regular meeting. Ms. Becker seconded. The motion passed with a vote of 4-0-0.

### 4. Unfinished Business

- a. Review and recommendation on Sea Turtle Protection Ordinance Revisions

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

The Committee made comments and inquiries regarding: support for the ordinance revisions; one member expressed concern about imposing requirements on existing structures that are to remain as-is; existing structures that will be doing renovations will be required to comply; requiring affirmative action versus prohibition.

Chairman Ames asked for public comments and received the following: clarification of proposed regulations for existing structures and enforcement; request to the Town to put money toward education for renters; concern about imposing requirements on existing structures with no plans to renovate; clarification needed on requirements for remodels; give remodels same options as

existing homes; concern about language regarding no artificial light shall illuminate any area of the beach; concern the proposed changes will do little to protect the sea turtle population and instead hinder property owners.

Following the discussion, Chairman Ames asked for a motion.

Mr. Lennox moved to recommend that the Public Planning Committee forward the proposed revisions to the Sea Turtle Protection Ordinance to Town Council with a recommendation of approval. Further recommending there be a discussion on the concerns about the requirements imposed on existing structures by the proposed ordinance. Ms. Becker seconded. The motion passed with a vote of 3-1-0. Mr. Stanford opposed.

#### **b. 2020 Trolley Service**

Staff recommends the following improvements be made to The Breeze trolley service for the 2020 season: evaluate the possibility of a free service; add a third trolley and extend the route; install monitors in the trolley for information videos.

The Committee made comments and inquiries regarding: the expenses to add a third trolley; how revenue from advertising will be handled; agreement with a free service; support to add monitors in the trolley for informational purposes; the types of information/advertising that would be supported and not favorable; monitor results of the free service such as whether there is an increase in ridership and less cars on the road; concern there is not enough data to extend the route at this time; determine the ads that will run on the monitors prior to install; the ads should enforce the Island brand and financially benefit the Town.

Chairman Ames asked for public comment and received the following: general support from the Hilton Head Beach & Tennis Resort.

Following the discussion, Chairman Ames asked for a motion.

Mr. Stanford moved to recommend that the Public Planning Committee evaluate the possibility of a free service. Mr. Lennox seconded. The motion passed with a vote of 4-0-0.

Mr. Lennox moved to recommend that the Public Planning Committee add a third trolley and extend the route. Mr. Stanford seconded. The motion passed with a vote of 2-1-1. Chairman Ames opposed. Ms. Becker abstained.

Mr. Stanford moved to recommend that the Public Planning Committee install monitors in the trolley for information videos with the condition that the content is worked out for the benefit of the Town and that it can be implemented this season. Ms. Becker seconded. The motion passed with a vote of 4-0-0.

### **5. New Business – None**

### **6. Committee Business**

The Committee made comments regarding the preservation of the Town of Hilton Head Island brand and reputation; make sure the public-private sectors are aligned; make sure the Town Committees and Staff are reinforcing the Town's brand and preservation; recommend the Town and Chamber of Commerce begin a dialogue about preservation of the Island's brand.

**7. Staff Updates** – None

**8. Appearance by Citizens on Items Unrelated to Today's Agenda** – None

**9. Adjournment**

The meeting was adjourned at 3:56 p.m.

**Submitted by:** Teresa Haley, Secretary

**Approved:** [DATE]

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:** Jayme Lopko, *AICP, Senior Planner*  
**CC:** Teri Lewis, *AICP, Deputy Director of Community Development*  
**DATE:** August 19, 2020  
**SUBJECT:** Workforce Housing LMO Amendments

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**Recommendation:** Staff recommends the Public Planning Committee (PPC) review the proposed Workforce Housing (WFH) Land Management Ordinance (LMO) amendments and forward a recommendation of approval to Town Council.

On August 19, 2020, the Planning Commission voted unanimously to forward the proposed WFH LMO amendments to the Town Council for approval

On August 11, 2020, the LMO Committee voted unanimously to forward the proposed WFH LMO amendments to the Planning Commission for approval with the following changes:

- Consider permitting WFH on properties between William Hilton Parkway and Pembroke Drive as well as properties along Garner Drive and Leg O'Mutton Road.
- Consider updating the purpose statement, for zoning districts where WFH will be permitted, to include a reference to residential or WFH use in the district.

On February 6, 2020, the LMO Committee met to review the WFH LMO amendments. The Committee raised several questions and requested additional information from Town staff, which was provided at their August 11, 2020 meeting.

**Summary:** Approval by Town Council will put in place incentives to encourage the development of WFH and allow staff to begin review and approval of WFH projects under the newly created Workforce Housing Program.

**Background:** Workforce availability, with a focus on workforce housing and transportation, was identified as a key priority of Town Council. The PPC, a subcommittee of Town Council, hosted a series of stakeholder input sessions to discuss specific needs and goals for affordable workforce housing on Hilton Head Island and to develop a backdrop for moving forward on these issues. Through these meetings it became evident that affordable workforce housing should be viewed as a critical element of the Town's infrastructure. Town Council held a workshop with staff and the public to begin developing preliminary policy direction related to affordable housing and transportation and to inform a scope of work used to hire a consultant to focus on options for Hilton Head Island.

In August of 2018, the Town hired consultant Lisa Sturtevant & Associates, LLC (LSA) to prepare a Workforce Housing Strategic Plan with goals, objectives, and policies for workforce housing. The final Workforce Housing Strategic Plan from LSA contained eight key recommendations for the Town of Hilton Head Island to consider. Staff, working with LSA, the community, and Town Council, utilized the recommendations from the Workforce Housing Strategic Plan, gathered further information, and evaluated and responded to each recommendation.

At their November 5, 2019 meeting, Town Council accepted the Workforce Housing Strategic Plan and approved a policy framework for a workforce housing program focused on the following four key elements:

- Develop incentives and programs which promote Commercial Conversion.
- Develop a “Sliding Scale” Density Bonus program linking the amount of workforce units to the amount of the bonus.
- Develop criteria and conditions under which unrestricted Town-owned real estate may be used to facilitate the development of workforce housing.
- Evaluate the development of, and participation in, a regional housing trust in coordination with the Southern Lowcountry Regional Board (SoLoCo).

Town Council requested that staff continue to work with the PPC to develop a workforce housing policy to address the four key elements including the development of criteria and conditions of where to target the program. At the December 11, 2019 PPC meeting, staff worked with the Committee to develop criteria to identify areas of the island to target for workforce housing initiatives. The following were identified as priority areas for workforce housing: Palmetto Bay/Arrow Road/Pope Avenue area, Squire Pope/Gum Tree Road area, and Opportunity Zone/Main Street area.

A Workforce Housing Policy, which is detailed in Attachment A, was developed that included: incentives and programs which promote Commercial Conversion, a “Sliding Scale” Density Bonus program linking the amount of workforce units to the amount of the bonus, and criteria and conditions where incentives and programs will be applied.

The proposed LMO Amendments that would implement this policy are detailed in Attachment B.

Properties that would be eligible to participate in the Workforce Housing Program are identified on Attachment C.

#### **Attachment**

- A. Workforce Housing Policy
- B. Workforce Housing LMO Amendments
- C. Location Map

# **Workforce Housing Policy**

## **Workforce Housing**

Workforce Housing (WFH) is defined as housing that is affordable at 60-100% of the Area Median Income (AMI) for Beaufort County.

## **Workforce Housing Program**

To create the Workforce Housing Program, amendments will be made to the Land Management Ordinance (LMO) to detail the specifics of the program. Noncompliance with any of the requirements of this Section will be considered a violation of the LMO and will be subject to code enforcement action by the Town.

Workforce housing will be created as a new use in the LMO and will be permitted with conditions in certain base zoning districts (RM-4, RM-8, RM-12, SPC, CC, MS, WMU, S, MV, LC, MED, and PD-1). Mixed-use is an existing use in the LMO that will be expanded to be permitted with conditions in more areas (CR, SPC, CC, MS, WMU, S, MF, MV, NC, LC, RD, MED, and PD-1). Both uses will be permitted with conditions to ensure compliance with the regulations of the Workforce Housing Program.

Workforce Housing and Mixed-Use, associated with a workforce housing development, will be permitted with conditions in the PD-1 District; however, will be restricted to locations where a Town-approved Master Plan or associated text states the use is permitted. For these uses to be permitted in any PD-1 District, a Zoning Map Amendment (ZMA) will be required to amend the Master Plan to permit the use and assign density.

Existing legally platted and developed single family subdivisions and individual multifamily units will not be eligible to participate in the Workforce Housing Program.

## **Density Bonus**

The WFH Program offers a density bonus up to 100% above the base residential density. For every two bonus units permitted, at least one must be a workforce housing unit. If only one bonus unit is proposed, it must be a workforce housing unit. The maximum density permitted in any workforce housing development is 24 units per acre.

Density for commercial conversion will be based on minimum unit sizes and the existing building envelope. Commercial conversion incentives for developments that include at least 20% workforce housing units will be a reduction in minimum unit size by 30% and the ability to use micro-efficiency and studio units in 50% of the development. The net result will permit an increase in the number of units within the same building envelope.

**Minimum Unit Sizes**

<b>Unit Type</b>	<b>Market-Rate Conversion Minimum Unit Size</b>	<b>Workforce Housing Conversion Minimum Unit Size</b>
Micro Efficiency	NA	280 square feet
Studio	NA	400 square feet
1-bedroom	800 square feet	560 square feet
2-bedroom	1,075 square feet	750 square feet
3-bedroom	1,330 square feet	930 square feet

**Workforce Housing Agreement**

Developers will be required to enter into a Workforce Housing Agreement with the Town that will be recorded with Beaufort County and tied to the parcel(s) of land where workforce housing is proposed. This agreement will contain information about the development including: the number of workforce housing units, square footage of the units, the number of bedrooms in the units, the location of the units in the development, terms and conditions of affordability, and a provision requiring owners of rental units to submit a sworn affidavit certifying their rental rates.

**Affordability Period**

Owner-occupied and rental workforce housing units will be required to remain in the program for a minimum of 30 years from the date of initial certificate of occupancy.

**Standards for Workforce Housing Units**

Workforce housing units will be similar to market-rate units in type of ownership, location throughout the development, range of number of bedrooms, and exterior appearance.

**Restrictive Covenants**

Workforce housing units will be required to record restrictive covenants that will stay with the parcel(s) as long as it remains in the program. The covenants will include the minimum program affordability period of 30 years from the initial certificate of occupancy, provisions that the household must meet current income and employment eligibility regulations outlined in the WFH Program, and a restriction that prohibits the rental of a unit for less than 90 days.

**Income and Employment Regulations**

To apply for participation in the WFH Program, households will be required to obtain a Certificate of Eligibility for compliance with the eligibility regulations of the WFH Program. An eligible household will be required to meet income requirements and must have at least one person who is employed in the Town of Hilton Head Island. Employment, as well as income, will



be submitted to the Town or its designee. At recertification, households must have at least one person who is employed ten months out of each calendar year on the Island.

### **Occupancy and Eligibility Requirements**

Any person or household who purchases or rents a workforce housing unit must occupy the unit as their sole residence. Households must meet the income requirements of 60-80% AMI for rental units and 80-100% AMI for owner-occupied units.

### **Workforce Housing Sale & Resale Price**

The initial sale and resale price of any workforce housing unit that is still in the WFH Program based on the affordability period, will be limited based on HUD's annual household income limits. Units will be allowed to build equity based on an inflation factor, based on Consumer Product Index, and when sold can include customary closing costs as well as salesperson commissions and costs related to capital improvements made to the unit.

### **Workforce Housing Rental Rates**

Workforce housing maximum rental rates will be based on 80% of HUD's AMI for Beaufort County, multiplied by 30% and divided by 12. Rental units will be leased with consistent rent throughout the lease. The maximum rent will be determined at initial application and will be recertified during renewal of a lease.

### **Parking Requirements**

The parking requirements for Workforce Housing and Mixed-Use development containing WFH will be determined by developer submitted parking data.

### **Rules of Measurement**

If an existing structure is converted to a mixed-use development under the WFH Program, the permitted density will be determined by using the existing gross floor area. The number of units will not be limited; however, there will be a minimum size for each type of unit.

### **Definitions**

Definitions for Area Median Income, Density Bonus, Household, Household Income, and Workforce Housing will be added.

# Attachment B

## Workforce Housing LMO Amendments

### Chapter 16-2: Administration

#### Section 16-2-103.G.2.b Development Plan Review (Minor or Major)

##### 2. Applicability

##### b. Minor or Major Development Plans

There are two types of Development Plans: Minor and Major.

- i. Approval of a Minor Development Plan is required for the following types of development, provided the development does not involve any wetland alteration:
  01. Accessory uses and structures;
  02. Temporary uses and structures, including temporary construction storage and staging; and
  03. Any other development that does not involve construction of a new building or addition, such as parking lot changes, new pools or decks, recreation fields or courts, or changes in general site design.
  04. Any structure(s) that are converted to mixed-use and include workforce housing.
- ii. Approval of a Major Development Plan is required for all other development subject to Development Plan Review.

### Chapter 16-3: Zoning Districts

#### Section 16-3-104. Residential Base Zoning Districts

Section 16-3-104.E Low to Moderate Density Residential (RM-4) District, Section 16-3-104.F Moderate Density Residential (RM-8) District, and Section 16-3-104.G Moderate to High Density Residential (RM-12) District

2. Allowable Principal Uses				
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
<u>Workforce Housing</u>	PC	<u>Sec 16-4-102.B.1.d</u>	<u>See Sec. 16-5-107.D.2</u>	
3. Development Form Standards				
MAX. DENSITY (PER NET ACRE)			LOT COVERAGE	
Residential <sup>2</sup>				
TABLE NOTES:				
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <b>dwelling units</b> ; sf = square feet; GFA = <b>gross floor area</b> in square feet; ft = feet; n/a = not applicable				
<u>2. Density for development that includes Workforce Housing shall be determined based on Sec. 16-4-105.A.</u>				

# Attachment B

## Workforce Housing LMO Amendments

### Section 16-3-105. Mixed-Use and Business Districts

Section 16-3-105.B Coligny Resort (CR) District, Section 16-3-105.G Marshfront (MF) District, Section 16-3-105.J Neighborhood Commercial (NC) District, and Section 16-3-105.L Resort Development (RD) District

2. Allowable Principal Uses				
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.125 per du
			Nonresidential	1 per 650 GFA
3. Development Form Standards				
MAX. DENSITY (PER NET ACRE)			LOT COVERAGE	
Residential <sup>2</sup>				
TABLE NOTES:				
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <b>dwelling units</b> ; sf = square feet; GFA = <b>gross floor area</b> in square feet; ft = feet; n/a = not applicable				
2. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1.				

### Section 16-3-105.C Community Commercial (CC) District

2. Allowable Principal Uses				
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
<b>Residential Uses</b>				
<b><u>Mixed-Use</u></b> <sup>4</sup>	PC	<u>Sec. 16-4-102.B.1.a</u>	<u>Residential</u>	<u>1.125 per du</u>
			<u>Nonresidential</u>	<u>1 per 650 GFA</u>
<b><u>Multifamily</u></b>	PC	<u>Sec. 16-4-102.B.1.b</u>	<u>1 bedroom</u>	<u>1.4 per du</u>
			<u>2 bedrooms</u>	<u>1.7 per du</u>
			<u>3 or more bedrooms</u>	<u>2.0 per du</u>
<b><u>Workforce Housing</u></b>	PC	<u>Sec 16-4-102.B.1.d</u>	<u>See Sec. 16-5-107.D.2</u>	
3. Development Form Standards				
MAX. DENSITY (PER NET ACRE)			LOT COVERAGE	
<u>Residential</u> <sup>2,3</sup>	<u>4 du</u>			
TABLE NOTES:				
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <b>dwelling units</b> ; sf = square feet; GFA = <b>gross floor area</b> in square feet; ft = feet; n/a = not applicable				
<u>2. Density for development that includes Mixed-Use or Workforce Housing shall be determined based on Sec. 16-4-105.A.</u>				
<u>3. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1.</u>				
<u>4 The minimum number of off-street parking spaces for mixed-use or multifamily development that contains workforce housing shall be calculated based on Section 16-5-107.D.2.</u>				

## Attachment B

### Workforce Housing LMO Amendments

Section 16-3-105.D Light Commercial (LC) District, Section 16-3-105.F Main Street (MS) District, Section 16-3-105.M and Sea Pines Circle (SPC) District

2. Allowable Principal Uses				
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Mixed-Use <sup>4</sup>	PC	<u>Sec. 16-4-102.B.1.a</u>	Residential	1.125 per du
			Nonresidential	1 per 650 GFA
<u>Workforce Housing</u>	PC	<u>Sec 16-4-102.B.1.d</u>	<u>See Sec. 16-5-107.D.2</u>	
3. Development Form Standards				
MAX. DENSITY (PER NET ACRE)			LOT COVERAGE	
Residential <sup>2,3</sup>				
TABLE NOTES:				
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <b>dwelling units</b> ; sf = square feet; GFA = <b>gross floor area</b> in square feet; ft = feet; n/a = not applicable				
<u>2. Density for development that includes Mixed-Use or Workforce Housing shall be determined based on Sec. 16-4-105.A.</u>				
<u>3. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1.</u>				
<u>4. The minimum number of off-street parking spaces for mixed-use development that contains workforce housing shall be calculated based on Section 16-5-107.D.2.</u>				

### Section 16-3-105.H Medical (MED) District

2. Allowable Principal Uses				
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
<u>Mixed-Use</u> <sup>4</sup>	PC	<u>Sec. 16-4-102.B.1.a</u>	<u>Residential</u>	<u>1.125 per du</u>
			<u>Nonresidential</u>	<u>1 per 650 GFA</u>
<u>Multifamily</u>	PC	<u>Sec. 16-4-102.B.1.b</u>	<u>1 bedroom</u>	<u>1.4 per du</u>
			<u>2 bedrooms</u>	<u>1.7 per du</u>
			<u>3 or more bedrooms</u>	<u>2.0 per du</u>
<u>Workforce Housing</u>	PC	<u>Sec 16-4-102.B.1.d</u>	<u>See Sec. 16-5-107.D.2</u>	
3. Development Form Standards				
MAX. DENSITY (PER NET ACRE)			LOT COVERAGE	
<u>Residential</u> <sup>2,3</sup>	<u>6 du</u>			

# Attachment B

## Workforce Housing LMO Amendments

### TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = **dwelling units**; sf = square feet; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable

2. Density for development that includes Mixed-Use or Workforce Housing shall be determined based on Sec. 16-4-105.A.

3. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1.

4. The minimum number of off-street parking spaces for mixed-use or multifamily development that contains workforce housing shall be calculated based on Section 16-5-107.D.2.

### Section 16-3-105.I Mitchelville (MV) District

2. Allowable Principal Uses				
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Mixed-Use <sup>3</sup>	PC	Sec. 16-4-102.B.1.a	Residential	1.125 per du
			Nonresidential	1 per 650 GFA
Workforce Housing	PC	Sec 16-4-102.B.1.d	See Sec. 16-5-107.D.2	
3. Development Form Standards				
MAX. DENSITY (PER NET ACRE)			LOT COVERAGE	
Residential <sup>1,2</sup>				

### TABLE NOTES:

P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = **dwelling units**; sf = square feet; GFA = **gross floor area** in square feet; ft = feet; n/a = not applicable

1. Density for development that includes Mixed-Use or Workforce Housing shall be determined based on Sec. 16-4-105.A.

2. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1.

3. The minimum number of off-street parking spaces for mixed-use development that contains workforce housing shall be calculated based on Section 16-5-107.D.2.

### Section 16-3-105.K Planned Development Mixed Use (PD-1) District

### 3. Principal Uses Restricted by Master Plan

The Master Plans and associated text, as approved and amended by the Town, establish general permitted uses for the respective PUDs, except as may be modified by an overlay zoning district. Undesignated areas on these Master Plans shall be considered as *open space*. The following uses are restricted to locations where a Town-approved Master Plan or associated text specifically states such uses are permitted. In addition, the use-specific conditions referenced below shall apply to any new such use or change to the site for any existing such use.

USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Residential Uses			
<u>Mixed-Use</u>	PC	<u>Sec. 16-4-102.B.1.a</u>	<u>See Sec. 16-5-107.D.2</u>
<u>Workforce Housing</u>	PC	<u>Sec 16-4-102.B.1.d</u>	<u>See Sec. 16-5-107.D.2</u>

# Attachment B

## Workforce Housing LMO Amendments

4. Development Area Densities				
MAX. DENSITY (PER NET ACRE)			LOT COVERAGE	
Residential <sup>1,2</sup>				
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### Section 16-3-105.O Waterfront Mixed-Use (WMU) District

2. Allowable Principal Uses				
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
<i>Mixed-Use</i> <sup>5</sup>	PC	<u>Sec. 16-4-102.B.1.a</u>	Residential	1.125 per du
			Nonresidential	1 per 650 GFA
<u>Workforce Housing</u>	PC	<u>Sec 16-4-102.B.1.d</u>	<u>See Sec. 16-5-107.D.2</u>	
3. Development Form Standards				
MAX. DENSITY (PER NET ACRE)			LOT COVERAGE	
Residential <sup>3,4</sup>				
TABLE NOTES:				
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<u>3. Density for development that includes Mixed-Use or Workforce Housing shall be determined based on Sec. 16-4-105.A.</u>				
<u>4. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1.</u>				
<u>5. The minimum number of off-street parking spaces for mixed-use development that contains workforce housing shall be calculated based on Section 16-5-107.D.2.</u>				

### Section 16-3-105.N Stoney (S) District

2. Allowable Principal Uses				
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
<u>Mixed-Use</u> <sup>4</sup>	PC	<u>Sec. 16-4-102.B.1.a</u>	<u>Residential</u>	<u>1.125 per du</u>
			<u>Nonresidential</u>	<u>1 per 650 GFA</u>
<u>Workforce Housing</u>	PC	<u>Sec 16-4-102.B.1.d</u>	<u>See Sec. 16-5-107.D.2</u>	

# Attachment B

## Workforce Housing LMO Amendments

3. Development Form Standards				
MAX. DENSITY (PER NET ACRE)			LOT COVERAGE	
Residential <sup>2,3</sup>				
<b>TABLE NOTES:</b> P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <b>dwelling units</b> ; sf = square feet; GFA = <b>gross floor area</b> in square feet; ft = feet; n/a = not applicable <u>2. Density for development that includes Mixed-Use or Workforce Housing shall be determined based on Sec. 16-4-105.A.</u> <u>3. For development that converts nonresidential square footage to residential use refer to Sec. 16-10-102.B.1.</u> <u>4. The minimum number of off-street parking spaces for mixed-use development that contains workforce housing shall be calculated based on Section 16-5-107.D.2.</u>				

## Chapter 16-4: Use Standards

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE																					
P = Permitted by Right					PC = Permitted Subject to Use-Specific Conditions																
SE = Allowed as a Special Exception								Blank Cell = Prohibited													
USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS						MIXED-USE AND BUSINESS DISTRICTS												USE-SPECIFIC CONDITIONS
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SP	CC	MS	WMUS	MF	MV	NC	LC	RD	MED	IL	
RESIDENTIAL USES																					
Mixed-Use									PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	Sec. 16-4-102.B.1.a	
Multifamily						P	P	P	PC	P	PC	P	P	P	P	P	P	P	P	Sec. 16-4-102.B.1.b	
<u>Workforce Housing</u>						PC	PC	PC		PC	PC	PC	PC	PC		PC		PC		<u>Sec 16-4-102.B.1.d</u>	

### B. Use-Specific Conditions for Principal Uses

#### 1. Residential Uses

##### Section 16-4-102.B.1.a

##### a. Mixed-Use

- i. Mixed-use development shall designate separate parking spaces for use by the residential units. The parking spaces designated for residential use shall not be included as part of a shared parking plan.
- ii. In the CR District, there shall be no dwelling units located on the first floor of any mixed-use development unless there are commercial services uses located between the street and the proposed dwelling units.

## **Attachment B**

### **Workforce Housing LMO Amendments**

- iii. The density for the redevelopment/conversion of an existing nonresidential structure to mixed-use shall be based on the existing gross floor area and minimum unit sizes as described in Sec. 16-10-102.B.1.
- iv. Mixed-use development that includes workforce housing shall comply with the Workforce Housing Program as outlined in Sec. 16-4-105.

#### **Section 16-4-102.B.1.b**

##### **b. Multifamily**

- i. In the CR District, there shall be no dwelling units located on the first floor of any multifamily development unless there are commercial services uses located between the street and the proposed dwelling units.
- ii. Multifamily use in the CC District shall only be permitted as part of a commercial conversion per Sec. 16-10-102.B.1.

#### **Section 16-4-102.B.1.d**

##### **d. Workforce Housing**

- i. Any development that includes workforce housing shall comply with the Workforce Housing Program as outlined in Sec. 16-4-105.
- ii. Workforce housing may be permitted in the PD-1 District through a Zoning Map Amendment in accordance with Sec. 16-2-103.C.
- iii. Lots within an existing legally platted and developed major single family subdivision are not eligible to participate in the WFH Program.
- iv. Individual units within a multifamily development are not eligible to participate in the WFH Program.
- v. In the MS District, properties developed for WFH shall not be permitted on properties currently utilized as a school or fire station.
- vi. In the S District, properties developed for WFH shall not have vehicular access to U.S. Route 278 (William Hilton Parkway).
- vii. In the WMU District, properties developed for WFH shall not have vehicular access to Marshland Road.
- viii. In the LC District, properties developed for WFH shall not have vehicular access to U.S. Route 278 (William Hilton Parkway) between Wexford Drive and Singleton Beach Road.
- ix. In the RM-4 District, properties developed for WFH shall not have vehicular access to Jonesville Road, Spanish Wells Road, or Marshland Road.



## **Attachment B**

### **Workforce Housing LMO Amendments**

- x. In the RM-8 District, properties developed for WFH shall not have vehicular access to Point Comfort Road, Spanish Wells Road, or U.S. Route 278 (William Hilton Parkway).

#### **Section 16-4-105. Workforce Housing (WFH) Program**

##### **A. Workforce Housing Density**

###### All Units:

1. The WFH Program offers a density bonus up to 100% above the base residential density standards. This program requires a minimum 25% density bonus above the base residential density to participate.
2. For every two bonus units permitted, at least one must be a workforce housing unit. If only one bonus unit is proposed, it must be a workforce housing unit.
3. After applying all incentives, the maximum density permitted in any workforce housing development is 24 units per acre.
4. Commercial conversion projects that include at least 20% workforce housing units will be eligible for incentives, as described in Sec. 16-10-102B.1, including:
  - a. A reduction in minimum unit sizes by 30% and;
  - b. Up to 50% of the units in the development may be micro-efficiency and/or studio units.

##### **B. Standards for Workforce Housing Units**

###### All Units:

1. For development that contains both market-rate and workforce housing units, the workforce units shall be mixed with, and not clustered together or segregated in any way from, market-rate units. If the development contains a phasing plan, the phasing plan shall provide for the development of workforce units concurrently with the market-rate units.
2. The workforce housing units shall include a range of unit sizes, based on the number of bedrooms, which are comparable to units in the overall development.
3. The exterior appearance of workforce housing units must be compatible and comparable with the rest of the units in the development by providing similar architectural style and similar exterior building materials, finishes, and quality of construction.
4. Prior to the issuance of a building permit for any units in a workforce housing development, the applicant shall execute any and all documents required by the Town, including, without limitation, restrictive covenants, deed restrictions, and related instruments to ensure affordability of workforce housing units in accordance with this Section.

## Attachment B

### Workforce Housing LMO Amendments

#### Owner-occupied Units:

1. Developers shall enter into a Workforce Housing Agreement with the Town of Hilton Head Island, or its designee. Following execution of the agreement by all parties, the completed Workforce Housing Agreement, or memorandum thereof, shall be recorded and the conditions therefrom filed and recorded on the parcel or parcels designated for the construction of workforce housing units. The Workforce Housing Agreement shall be binding to all future owners and successors in interest. The agreement shall be in a form reviewed and approved by the Administrator.
  - a. The agreement, at a minimum, shall establish the number of workforce housing units including their square footage, number of bedrooms, and location within the development. The agreement will also include terms and conditions of affordability, resale provisions, and other standards as set forth in Sec. 16-4-105.
  - b. Owner-occupied workforce housing units that are provided under Sec. 16-4-105 are subject to a Workforce Housing Agreement and shall remain as workforce housing for a minimum of 30 years from the date of initial certificate of occupancy.
  - c. A certificate of occupancy will not be issued until complete certified and recorded copies of the Workforce Housing Agreement have been provided to the Town.
2. Restrictive covenants for workforce housing units subject to the provisions of Sec. 16-4-105 shall be filed that require compliance with the following:
  - a. Owner-occupied workforce housing units shall only be sold to households earning 80 to 100% of the most recently published HUD area median income (AMI) for Beaufort County.
  - b. Owner-occupied workforce housing units shall remain in the WFH Program for a minimum of 30 years from the date of the initial certificate of occupancy.
  - c. Prior to the sale of an owner-occupied workforce housing unit, the Town, or its designee, shall be notified of the owner's intent to place the unit for sale and a Certificate of Eligibility (COE) shall be submitted by the potential buyer.

#### Rental Units:

1. The Town will not issue a certificate of occupancy for any building that contains both market-rate and workforce housing rental units unless the development has complied with the workforce housing provisions as outlined in this Section.
2. The designation of a rental workforce housing unit is not required to stay with the same unit over the 30 year affordability period so long as the minimum number and type of workforce units are provided within the development.
3. Developers shall enter into a Workforce Housing Agreement with the Town of Hilton Head Island, or its designee. Following execution of the agreement by all parties, the completed Workforce Housing Agreement, or memorandum thereof, shall be

## Attachment B

### Workforce Housing LMO Amendments

recorded and the conditions therefrom filed and recorded on the parcel or parcels designated for the construction of workforce housing units. The Workforce Housing Agreement shall be binding to all future owners and successors in interest. The agreement shall be in a form reviewed and approved by the Administrator.

- a. The agreement, at a minimum, shall establish the number of workforce housing units including their square footage, number of bedrooms, and location within the development. The agreement will also include terms and conditions of affordability, rental rate provisions, and other standards as set forth in Sec. 16-4-105.
  - b. The agreement shall include a provision requiring the owner(s) of rental workforce housing units to submit annually a sworn affidavit to the Town, or its designee, certifying that the rental rate(s) meets the requirements of Sec. 16-4-105.F.
  - c. Rental workforce housing units that are provided under Sec. 16-4-105 are subject to a Workforce Housing Agreement and shall remain as workforce housing for a minimum of 30 years from the date of initial certificate of occupancy.
  - d. A certificate of occupancy will not be issued until complete certified and recorded copies of the Workforce Housing Agreement have been provided to the Town.
4. Restrictive covenants for workforce housing units subject to the provisions of Sec. 16-4-105 shall be filed that require compliance with the following:
- a. Rental workforce housing units shall only be rented to households earning 60 to 80% of the most recently published HUD AMI for Beaufort County.
  - b. Rental workforce housing units shall remain in the WFH Program for a minimum of 30 years from the date of the initial certificate of occupancy.
  - c. Rental workforce housing units shall not be occupied for a period less than 90 days.

#### **C. Workforce Housing Income and Employment Regulations**

##### All Units

1. Eligible households shall meet the income requirements of this Section and have at least one person who is employed by a lawfully licensed business located within the Town of Hilton Head Island.

##### Owner-occupied Units:

1. The eligibility of a household for a potential owner-occupied workforce housing unit shall be determined upon submittal of a Certificate of Eligibility (COE) to the Town, or its designee, verifying that the applicable income and employment regulations of this Section are met.

## **Attachment B**

### **Workforce Housing LMO Amendments**

2. Per Sec. 16-8-102, failure to submit the required documentation prior to change in ownership shall constitute a violation of the restrictive covenants, the conditions of the certificate of occupancy, and this Section, and is subject to code enforcement action by the Town per Sec. 16-8-106.
3. Failure to submit the required documentation prior to change in ownership shall be considered a breach of the restrictive covenants, conditions, and restrictions set forth in the Section and the Town shall be entitled to seek such remedies as may be available by law.

#### Rental Units:

1. The property owner, or their designee, of a workforce housing unit shall upon lease renewal, but not less than annually, submit a COE to the Town, or its designee, verifying that the applicable income and employment regulations of this Section are met by all households occupying said workforce housing unit(s).
2. Upon lease renewal, eligible households shall include at least one person that is employed ten out of twelve months each year by a lawfully licensed business located within the Town of Hilton Head Island.
3. Per Sec. 16-8-102, failure to submit the required verification shall constitute a violation of the restrictive covenants, the conditions of the certificate of occupancy, and this Section, and is subject to code enforcement action by the Town per Sec. 16-8-106.
4. Failure to submit the required verification shall be considered a breach of the restrictive covenants, conditions, and restrictions set forth in the Section and the Town shall be entitled to seek such remedies as may be available by law.

#### **D. Occupancy and Eligibility Requirements**

##### Owner-occupied Units:

1. The household shall occupy the workforce housing unit as their sole residence.
  - a. If at any time the household no longer occupies the unit as their sole residence, the unit shall be sold.
2. Eligible households shall have an annual household income between 80 and 100% of the most recently published HUD AMI for Beaufort County.
3. Households must be eligible to purchase workforce housing units and obtain the appropriate COE from the Town, or its designee. A sales contract may not be executed before the household receives the COE.

##### Rental Units:

1. The household shall occupy the workforce housing unit as their sole residence.
2. Eligible households shall have an annual household income between 60 and 80% of the most recently published HUD AMI for Beaufort County.

## Attachment B

### Workforce Housing LMO Amendments

3. Households must be eligible to rent workforce housing units and obtain the appropriate COE from the Town, or its designee. A rental agreement may not be executed before the household receives the COE.
  - a. A COE must be renewed prior to the anniversary of a lease renewal. A lease shall not be renewed unless the entire development meets the eligibility requirements outlined in this Section.
  - b. The owner of the rental unit(s) shall be required to submit a sworn affidavit on an annual basis to the Town or its designee, certifying that the workforce housing unit rental rate(s) meets the requirements of Sec. 16-4-105.F.1.
  - c. Per Sec. 16-8-102, occupancy of a rental unit not consistent with this Section shall constitute a violation and is subject to code enforcement action by the Town per Sec. 16-8-106.
  - d. Occupancy of a rental unit not consistent with this Section shall be considered a breach of the restrictive covenants, conditions, and restrictions set forth in the Section and the Town shall be entitled to seek such remedies as may be available by law.

#### **E. Workforce Housing Sale & Resale Price**

##### Owner-occupied Units:

1. The initial sale price of a workforce housing unit shall be determined by the most recently published HUD annual household income limits.
2. The workforce housing unit may be subject to a homeowners association (HOA). HOA dues for workforce housing units shall be a maximum of 75% of the HOA dues owed by market-rate unit owners.
3. The resale price of a workforce housing unit shall not exceed the initial purchase price paid by the owner of the unit with the following exceptions:
  - a. Customary closing costs and costs of sale;
  - b. Costs of real estate commissions paid by the seller if a licensed real estate salesperson is employed;
  - c. Consideration of permanent capital improvements installed by the seller; and
  - d. An inflation factor, based on Consumer Product Index, to be applied to the initial sale price of the unit.
4. All restrictions affecting the workforce housing unit shall be recorded in the deed at the time of initial sale or conveyance and in any future sales or conveyances of the unit.
5. Resale of workforce housing units shall be limited by deed restriction to a purchaser who meets the requirements of 16-4-105.D during the affordability period of the unit.

# Attachment B

## Workforce Housing LMO Amendments

### F. Workforce Housing Rental Rates

#### Rental Units:

1. Maximum monthly rental rates for workforce housing shall be calculated using 80% of the most recently published HUD AMI for Beaufort County, multiplying by 30% and dividing by 12.
2. Rental rates shall remain consistent throughout the term of the lease.

## Chapter 16-5: Development and Design Standards

### Section 16-5-107. Parking and Loading Standards

#### D. Parking Space Requirements

##### 1. Minimum Number of Parking Spaces

TABLE 16-5-107.D.1: MINIMUM NUMBER OF PARKING SPACES		
USE CATEGORY/USE TYPE	MINIMUM NUMBER OF PARKING SPACES <sup>1,2,3,4</sup>	
	CR DISTRICT	ALL OTHER DISTRICTS
RESIDENTIAL USES		
<u><b>Workforce Housing*</b></u>	<u>See Sec. 16-5-107.D.2</u>	<u>See Sec. 16-5-107.D.2</u>

\*This includes Mixed-Use and Multifamily development containing workforce housing units.

## Chapter 10: Definitions, Interpretation and Measurement

### Section 16-10-102. – Rules of Measurement

#### B. Density

##### 1. Commercial Conversion

For conversion of non-residential square footage (commercial conversion) to residential or mixed-use development, density shall be based on the existing gross floor area and the minimum unit sizes established below:

# Attachment B

## Workforce Housing LMO Amendments

### Minimum Unit Sizes

<u>Unit Type</u>	<u>Market-Rate Conversion Minimum Unit Size</u>	<u>Workforce Housing Conversion Minimum Unit Size</u>
<u>Micro Efficiency</u>	<u>NA</u>	<u>280 square feet</u>
<u>Studio</u>	<u>NA</u>	<u>400 square feet</u>
<u>1-bedroom</u>	<u>800 square feet</u>	<u>560 square feet</u>
<u>2-bedroom</u>	<u>1,075 square feet</u>	<u>750 square feet</u>
<u>3-bedroom</u>	<u>1,330 square feet</u>	<u>930 square feet</u>

### 2. Density

### 3. Gross Floor Area

### 4. Net Acre

## Section 16-10-103. - Use Classifications, Use Types, and Definitions

### A. Residential Uses

#### 1. Description

The Residential Uses classification is primarily characterized by the residential occupancy of a dwelling unit by a household. Such household living uses include single-family dwellings and multifamily dwellings (triplexes and other multifamily development, including townhouse development). The Residential Uses classification also includes group living uses (the residential occupancy of a group of living units by persons who do not constitute a single-family), as well as recreational vehicle (RV) parks (providing spaces for overnight accommodation of people in a recreational vehicle), and workforce housing. Accessory uses commonly associated with Residential Uses are recreational activities, raising of pets, hobbies, parking of the occupants' vehicles, and administrative offices in multifamily, group living, ~~and~~ recreational vehicle (RV) parks, and workforce housing developments. Home occupations are accessory uses that are subject to additional regulations (see Sec. 16-4-103.E.3, Home Occupation).

#### 2. Use Types and Definitions

##### Mixed-Use

Development that includes two or more different uses, which shall include multifamily or workforce housing use and one or more of the Office uses, as described in Sec. 16-10-103.F or one or more of the Commercial Services uses, as described in Sec. 16-10-103.G or some combination thereof. Such uses should be functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access.

##### Workforce Housing

Housing that is affordable at 60-100% of the Area Median Income (AMI) for Beaufort County.

# Attachment B

## Workforce Housing LMO Amendments

### Section 16-10-104. – Table of Abbreviations

TABLE 16-10-104: ABBREVIATIONS	
ABBREVIATION	COMPLETE TERM
ac	Acre
AADT	Annual Average Daily Traffic
ACI	Adjusted Caliper Inches
ADA	Americans with Disabilities Act
ADT	Average daily trips
ANSI	American National Standards Institute
AASHTO	American Association of State Highway and Transportation Officials
<u>AMI</u>	<u>Area Median Income</u>
BFE	Base flood elevation
BMP	Best management practice
<u>COE</u>	<u>Certificate of Eligibility</u>
DBH	Diameter at breast height
DRB	Design Review Board
CIP	Capital Improvements Program
DHEC	South Carolina Department of Health and Environmental Control
du	Dwelling unit(s)
EV	Electric vehicle
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Maps
ft	Feet
GFA	Gross floor area
HHI	Hilton Head Island
<u>HUD</u>	<u>U.S. Department of Housing and Urban Development</u>
IBC	International Building Code
IESNA	Illuminating Engineering Society of North America
ITE	Institute of Transportation Engineers
LMO	Land Management Ordinance
LOS	Level of service
MSL	Mean sea level
NAD	North American Datum
NAVD	North American Vertical Datum
NPDES	National Pollutant Discharge Elimination System
OCRM	(DHEC) Office of Ocean and Coastal Resource Management
PD	Planned development
PSD	Public Service District
PUD	Planned unit development



## Attachment B

### Workforce Housing LMO Amendments

**TABLE 16-10-104: ABBREVIATIONS**

ABBREVIATION	COMPLETE TERM
SC	South Carolina
S.C. Code of Laws	Code of Laws of South Carolina
SCDOT	South Carolina Department of Transportation
sf	Square feet
USACOE	United States Army Corps of Engineers
WEC	Wind energy conversion
<u>WFH</u>	<u>Workforce Housing</u>

### Section 16-10-105. - General Definitions

#### **Area Median Income (AMI)**

The median income level for Beaufort County, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, (HUD), adjusted for household size.

#### **Density Bonus**

An increase in the number of units permitted on the site in order to provide an incentive for the construction of workforce housing.

#### **Household**

One or more people who occupy (live in) the same dwelling.

#### **Household Income**

The aggregate total of income earned by every member of a household.





# 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:** August 19, 2020  
**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**

Town Council's approval of the Ordinance as previously approved by PPC with the modifications below will clarify the requirements and resolve the outstanding issues associated with two-story windows.

- Standards for new development and remodeling of existing development.**  
Revised Section 8-5-113(f) to add "New and replacement" at the beginning of the sentence. The new sentence begins, "New and replacement windows and glass doors which are visible from the beach..." This should clarify that the installation of a new or replacement window and/or glass door **does not** require the replacement of all non-conforming windows and glass doors in that structure.
- Standards for existing development**  
Revised Section 8-5-115(f) to change the word "not" to "less" in the following sentence: "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." This should clarify that properties will be in compliance with the Ordinance, even if some amount of interior artificial light is visible from the beach as long as one or more of the listed options is used to reduce the amount of interior artificial light visible from the beach.
- Standards for existing development**  
Revised Section 8-5-115(f) to add the following sentence: "Windows located on the first story that extend into the second story or above 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." This should address concerns about installing curtains or tinting windows

that extend above one story while ensuring light visible from the beach through those windows is less disruptive to sea turtles.

### **Background**

At the February 27, 2020 meeting, the Public Planning Committee discussed and heard comments from the public on the proposed changes to the Ordinance, including: whether the ordinance should apply to existing structures; using lower wattage light bulbs; and whether replacing one non-conforming window in an existing structure will require the replacement of all non-conforming windows in that structure. The Committee voted 3-1-0 to forward the proposed revisions to the Sea Turtle Protection Ordinance to Town Council with a recommendation of approval.

In April, Staff requested that the Mayor postpone scheduling Town Council's review of the proposed revisions to the Ordinance to allow time to discuss new deadlines for compliance and concerns regarding requirements for existing development.

### **Attachments**

- A) Proposed Ordinance (changes listed above are highlighted)
- 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 of 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.

(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