

REVISION: Added Update on Gullah-Geechee Overlay under Staff Reports.



Town of Hilton Head Island
Public Planning Committee Special Meeting
Wednesday, February 3, 2021 – 2:00 p.m.
REVISED 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. Approval of Agenda**
- 5. Approval of Minutes**
 - a. Special Meeting of October 29, 2020**
 - b. Regular Meeting of November 19, 2020**
- 6. Appearance by Citizens**
- 7. Unfinished Business**
 - a. Review and recommendation on Sea Turtle Protection Ordinance Revisions**
- 8. New Business**
- 9. Staff Reports**
 - a. Update on Gullah-Geechee Overlay**

10. Committee Business

11. Adjournment

Public comments concerning agenda items can be submitted electronically via the Open Town Hall HHI portal at <https://hiltonheadislandscc.gov/opentownhall/>. The portal will close 2 hours before the meeting. All comments submitted through the portal will be provided to the Committee for review and made part of the official record. Citizens who wish to comment on agenda items during the meeting by phone must contact the Committee Secretary at 843-341-4691 not later than 2 hours before the meeting.

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 Workshop
October 29, 2020 at 9:00 a.m. Virtual Meeting
MEETING MINUTES

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

Others Present from Town Council: Tom Lennox

Present from Town Staff: Shawn Colin, Director of Community Development; Anne Cyran, Senior Planner; Jennifer Ray, Deputy Director of Community Development; Cindaia Ervin, Finance Assistant; Teresa Haley, Senior Administrative Assistant

Others Present: Curtis Coltrane, Town Attorney

1. Call to Order

Chairman Ames called the meeting to order at 9:00 a.m.

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

3. Roll Call – See as noted above.

4. Sea Turtle Lighting Discussion

a. Presentation by Howard Ackerman

Mr. Ackerman, a representative of the Property Owners' Protection Committee, made a presentation in opposition to the Sea Turtle Lighting Ordinance Revisions.

b. Presentation by Amber Kuehn

Ms. Kuehn, a marine biologist with the Hilton Head Island Sea Turtle Patrol, made a presentation in support of Sea Turtle Lighting Ordinance Revisions.

c. Staff Comments

Ms. Cyran presented statements regarding the Town's current ordinance, written in the 1980s and adopted in the 1990s, and the proposed ordinance revisions in comparison to other similar communities.

d. Public Comments

Public comments concerning the agenda item were submitted electronically via the Open Town Hall portal, provided to the Committee for review, and made part of the official record. There was one member of the public who signed up to give public comment on the discussion item, however, he was not in attendance.

e. Comments by Committee Members

The Committee thanked Mr. Ackerman, Ms. Kuehn, and Ms. Cyran for their presentations and work throughout the process. The Committee made comments and inquiries regarding: how enforcement of the ordinance is managed with the hotels; the property owners objections to the revisions focus on the restrictions being applied to interior

lighting; sympathetic to the property owners objections; support of protection of the turtles; objection to require homeowners to make changes to the interior of their existing structure; the limitations that apply under the current ordinance versus the proposed revisions; the latest draft of ordinance revisions have come a long way to address property owners concerns and continue to protect sea turtles; balance the development of an effective ordinance to protect an endangered species without imposing unreasonable restrictions to property owners.

5. Adjournment

The meeting was adjourned at 9:58 a.m.

Submitted by: Teresa Haley, Secretary

Approved: [DATE]

DRAFT



Town of Hilton Head Island
Public Planning Committee Meeting
November 19, 2020 at 3:00 p.m. Virtual Meeting
MEETING MINUTES

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

Others Present from Town Council: Tom Lennox

Present from Town Staff: Shawn Colin, Community Development Director; Anne Cyran, Senior Planner; Teri Lewis, Deputy Community Development Director; Scott Liggett, Director of Public Projects and Facilities/Chief Engineer; Jennifer Ray, Deputy Community Development Director; Teresa Haley, Senior Administrative Assistant

1. Call to Order

Chairman Ames called the meeting to order at 3:00 p.m.

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

3. Roll Call – See as noted above.

4. Approval of Agenda

Chairman Ames asked for a motion to approve the agenda. Mr. Stanford moved to approve. Ms. Becker seconded. By way of roll call, the motion passed with a vote of 3-0-0.

5. Approval of Minutes

a. Special Meeting of October 23, 2020

Chairman Ames asked for a motion to approve the minutes of the October 23, 2020 special meeting. Mr. Stanford moved to approve. Ms. Becker seconded. By way of roll call, the motion passed with a vote of 3-0-0.

6. Citizen Comments

Public comments concerning agenda items were to be submitted electronically via the Town's Open Town Hall portal. All comments were provided to the Committee for review and made part of the official record. Citizens were also provided the option to comment on agenda items during the meeting by phone.

7. Unfinished Business

a. Review and recommendation on Sea Turtle Protection Ordinance Revisions

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

Chairman Ames asked for public comment. Ken Campbell presented statements to table

the item until additional considerations be addressed. Blake Shelton, on behalf of the Property Owners Protection Committee, presented statements in opposition to the proposed ordinance.

The Committee made comments and inquiries regarding: the differences between the existing ordinance and the proposed revisions; explain illuminate the beach; describe the notification process to property owners regarding the proposed changes to the ordinance; how will education and enforcement be handled; how would hotels manage education and enforcement of the changes; information from various experts have been received; concerns with the provisions that would require property owners to retrofit or modify their interior lighting to comply with the changes; concerns the interior lighting modifications are excessive and unenforceable; concern turtle-friendly bulbs are not practical replacements; why window replacements and additions have requirements beyond current houses; include language about glass components to the façade, door or window replacements of 50% or more require reduced light transmittance glass; consider any addition to a home must comply with reduced light transmittance glass; both 'illumination of the beach' and 'visible from the beach' have shortcomings; include additional language that addresses point source of light; add language about specific type of lamp shade that is permitted; in addition to artificial lighting types, do other types of light (candle light, torch light, light coming from electronics) have to be included in the ordinance; consider changing language in Section 8.5 to "it is the policy that no unshielded artificial light shall illuminate the beach"; consider changing terminology used in subsection F to be more consistent with the rest of the ordinance; make more consistent the language in the section regarding exceptions to requirements and include the additional options permitted; the current ordinance does not apply to the first floor; the proposed revisions would prohibit exposed light bulbs and extend to the first floor; concerns about window tinting and manufacturer warranty; concern about legal recourse to collect fees from those who were fined; would like to see what a limited light source and reduced transmittance glass look like.

Mr. Stanford moved to recommend that Public Planning Committee (PPC) refer this back to Town Staff to restudy and possibly incorporate provisions PPC recommended today, including language to address: clarify visibility versus illumination; refine the restrictions on interior lighting to include shielding with light shades; shielding with light shades for lighting fixtures that are found on the first floor; specify that new windows visible from the beach in an existing structure must be tinted only if more than fifty percent of the glass area is being replaced; changes to a structure such as the construction of an addition to an existing home require reduced light transmittance glass; define point source of light. Ms. Becker seconded. By way of roll call, the motion passed with a vote of 3-0-0. (Roll: Ames, Becker, Stanford – for the motion; none against; none abstained.)

8. New Business

a. Discussion of the Parking Master Plan

Mr. Liggett presented statements regarding the item. The purpose of today's discussion is to identify those items within the Parking Study performed by The Walker Collaborative that would be discussed further at the Town Council Workshop scheduled for January 2021.

The Committee and Mr. Liggett discussed the immediate action item deliverables by the consultant, which include: to establish a parking enterprise fund; to implement a Town Code revision that deals with the establishment of a parking fee schedule; parking fine ordinance;

parking enforcement ordinance, vehicle immobilization policy; residential parking district policy. Mr. Liggett recommended discussion items for the Town Council Workshop be the establishment of a parking fee schedule, revisit a resident parking pass policy and consider a residential parking district policy.

The Committee made comments and inquiries regarding: how 'resident' is defined regarding parking passes; support for no-parking districts; need to discuss fees to non-residents; consider varying fees for in-season and off-season; discuss fees related to time extension options; consider whether resident parking passes should be extended to residents of Beaufort County; vehicle immobilization is a sensitive issue; would like to hear from other communities using all systems recommended by the consultant; what the consultant recommended about using USCB parking lot; how to handle the profits of parking fees; too much infrastructure to be put in place from a financial collection standpoint; what can be done from now until April 2021 to increase parking capacity; community should have options related to fees; provide monthly statistics about where people are parking; how do we manage parking in anticipation for the highest demand days; technology and communication plans are important components of the parking plan; continue to protect residential neighborhoods from overflow parking; how to balance parking needs and experience for visitors and residents; the signage within the consultant's presentation is not in keeping with island character and design; recommend using revenue from the parking program to relieve residents of parking fees; consider utilizing the enterprise fund to improve the quality of infrastructure and enhance experiences for visitors and residents.

9. Staff Reports – None

10. Committee Business – None

11. Adjournment

The meeting was adjourned at 4:23 p.m.

Submitted by: Teresa Haley, Secretary

Approved: [DATE]



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Public Planning Committee
VIA: Jennifer Ray, *ASLA, Interim Community Development Director*
FROM: Anne Cyran, *AICP, Senior Planner*
CC: Shawn Colin, *AICP, Interim Deputy Town Manager*
DATE: January 25, 2021
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. Staff will work with all relevant parties to voluntarily bring properties into compliance with the new requirements.

Staff made the following changes to the proposed Ordinance following the November 19, 2020 Public Planning Committee meeting:

- Added Whereas Statements: Added seven statements to support the proposed changes.
- Illuminate the Beach versus Visible from the Beach: Removed statements regarding illuminating the beach to reduce confusion. The proposed standards remain the same.
- Lamp Shades: Revised the definition of Shield to state that lampshades can be used to shield interior light fixtures.
- Tinting for Windows in Existing Structures: Revised Standards for Existing Development to exempt window tinting requirements for new windows and glass doors in an existing structure if less than fifty percent of the total area of windows and glass doors visible from the beach are being replaced.
- Ambient Light and Point Sources of Light: Added a definition of Ambient Light and clarified that ambient light is permitted. Point sources of light are described in the definition of Shield.
- Artificial Light Definition: Revised the definition of Artificial Light to simplify it.
- Long Wavelength Lightbulbs: Revised Standards for Existing Development to integrate the section allowing long wavelength (sea turtle friendly) lightbulbs into the section above it.

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.

Subject: Proposed Ordinance 2020-23 – Sea Turtle Protection Ordinance

January 25, 2021

Page 2

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.

On October 29, 2020, the Public Planning Committee held a workshop to hear presentations from Howard Ackerman, a representative of the Property Owners’ Protection Committee, and from Amber Kuehn, a marine biologist with the Hilton Head Island Sea Turtle Patrol.

On November 19, 2020, the Public Planning Committee reviewed the proposed Ordinance and asked staff to make the following revisions: clarify visibility versus illumination; refine the restrictions on interior lighting to include shielding with light shades; specify that new windows visible from the beach in an existing structure must be tinted only if more than fifty percent of the glass area is being replaced; require windows in new additions to existing structures to have tinted windows; and define point source of light.

Attachments

- A) Proposed Ordinance
- B) Existing Ordinance

ORDINANCE NO. 2021-__

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 DELETE SECTION 8-5-111, DEFINITIONS; TO ADD 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; TO DELETE SECTION 8-5-114, EXEMPTIONS FOR NEW DEVELOPMENT; TO ADD SECTION 8-5-114, EXEMPTIONS SEC. 8-5-113; 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 for The Town of Hilton Head Island, South Carolina finds that the Loggerhead sea turtle (*caretta caretta*); the Leatherback sea turtle (*dermochelys coriacea*); and Kemp's Ridley sea turtle (*lepidochelys kempii*) are documented to nest or to have nested on the beaches of Hilton Head Island; and,

WHEREAS, The Town Council for The Town of Hilton Head Island, South Carolina finds that the Loggerhead sea turtle, the Leatherback sea turtle and Kemp's Ridley sea turtle are designated as endangered by the State of South Carolina in S. C. Code of Regulations 123-150, 123-150.1 and 123-150.2; and,

WHEREAS, The Town Council for The Town of Hilton Head Island, South Carolina finds that the Loggerhead sea turtle, the Leatherback sea turtle and Kemp's Ridley sea turtle are listed as threatened or endangered by the United States of America in 50 C. F. R. § 17.11; and,

WHEREAS, The Town Council for The Town of Hilton Head Island, South Carolina finds that the stated policy of the United States of America is to protect threatened and endangered species, including the Loggerhead sea turtle, the Leatherback sea turtle and the Kemp's Ridley sea turtle, as set out in the Endangered Species Act, 16 U. S. C. § 1531, et seq.; and,

WHEREAS, The Town Council for The Town of Hilton Head Island, South Carolina finds that the stated policy of the State of South Carolina is to protect threatened and endangered species, including the Loggerhead sea turtle, the Leatherback sea turtle and the Kemp's Ridley sea turtle, as set out in the South Carolina Non-Game and Endangered Species Conservation Act, S. C. Code Ann. § 50-15-10, et seq. (Supp. 2020); and,

WHEREAS, The Town Council for The Town of Hilton Head Island, South Carolina finds that artificial lighting at or near the beach where sea turtles nest can disorient nesting

female sea turtles and also hatchling sea turtles, which is confirmed by the South Carolina Department of Natural Resources in published material available to the general public at “<https://www.dnr.sc.gov/seaturtle/lights.htm>” which reads in part:

When loggerhead hatchlings emerge from the shell, they are attracted to the blue and green wavelengths of light which are naturally reflected off the ocean through celestial light. They use this natural light cue to navigate from the nest towards the ocean. This same mechanism is used by adult females when nesting. If an artificial light source on the beach is brighter than the natural light, the hatchlings will head towards this artificial source. These artificial lights can be a direct source such as a beach front home’s exterior flood light or a street light; the artificial light can also be indirect, light pollution that creates a sky glow effect. When a hatchling sea turtle is attracted away from the ocean towards a direct or indirect source of light, biologists describe this as a disorientation event. The hatchlings become disoriented and crawl away from the ocean towards the brightest light. During this disorientation event, hatchlings are more susceptible to nocturnal predators and desiccation. While crawling the wrong way on the beach, hatchlings exhaust valuable, limited energy stores needed to swim offshore. Hatchlings need energy once they reach the ocean to swim towards floating Sargassum seaweed found as far as 60 miles offshore. They use the seaweed as camouflage to protect them from predators. The seaweed is also home to small crustaceans that loggerhead hatchlings eat to replenish their energy.

WHEREAS, The Town Council for The Town of Hilton Head Island, South Carolina finds that there has been evidence of misorientation of adult nesting female sea turtles, and sea turtle hatchling on Hilton Head Island caused by artificial lighting at or near the beaches on Hilton Head Island; and,

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

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

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

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

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

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

~~See. 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, 5-7-9)

Section 2. Addition. That Section 8-5-111 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby added as follows:

Sec. 8-5-111. – Definitions.

In this chapter, the following terms when capitalized shall have the meanings set forth in this section:

- (a) **Ambient Light:** Means Artificial Light that is Visible From The Beach emanating from Light Fixtures with a Shield that are Visible From The Beach and from unshielded Light Fixtures and sources that are not Visible From The Beach.
- (b) **Artificial Light:** Means the light originating from any human-made device or human activity.
- (c) **Beach:** Means 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).
- (d) **Downward Directed:** Means positioning of any Light Fixture so that the light from it is directed perpendicular to the ground.
- (e) **Existing Development:** Means any construction authorized by building permit for which application was made on or before April 30, 2021, and any other related installation on the lot or parcel on which the structure is built.
- (f) **Floodlight:** Means any reflector-type exterior Light Fixture that is attached directly to a building or pole and that does not have a Shield.
- (g) **Light Fixture:** Means any housing for any Artificial Light source.
- (h) **Low Profile Luminaire:** Means any Light Fixture set on a base which raises the bulb or other source of the light no higher than forty-eight (48) inches off the ground, and designed in such a way that light is Downward Directed from a light source that has a Shield.
- (i) **New Development:** Means any construction authorized by building permit for which application was made on or after May 1, 2021, and any other related installation on the lot or parcel on which the structure is built.
- (j) **Opaque:** Means any thing or material that blocks the passage of light through it.
- (k) **Sea Turtle Nesting Season:** Means the period from May 1 through October 31 of each year.

Proposed Ordinance 2020-23 – Sea Turtle Protection Ordinance
Attachment A – Proposed Ordinance

- (l) **Security Light:** Means 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.
- (m) **Shield:** Means an Opaque material covering the bulb, lamp, glowing lens, reflector or reflective surface of a Light Fixture so that the bulb, lamp, glowing lens, reflector or reflective surface is not visible except when viewed from directly underneath the Shield. For interior Light Fixtures, lampshades that cover the bulb, lamp, glowing lens, reflector or reflective surface of the lamp, whether or not made of Opaque material, qualify under this subsection as a Shield.
- (n) **Solar Screen:** Means a type of screen intended to reduce the amount of Artificial Light passing through a glass window or door. A Solar Screen must have a manufacturer verified inside-to-outside light Transmittance Value of 0.45 (45%) or less.
- (o) **Tinted or Filmed Glass:** Means glass that has been treated to reduce light transmittance. Tinted or Filmed Glass must have a manufacturer verified inside-to-outside light Transmittance Value of 0.45 (45 %) or less. Tinted or Filmed Glass cannot be dual-reflective or mirror finished.
- (p) **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.
- (q) **Visible From The Beach:** Means 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 3. 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 known to nest along on the ~~b~~Beaches of Hilton Head Island, by safeguarding hatchlings from sources of artificial light which causes misorientation and subsequent death. including Loggerhead, Leatherback and Kemp's Ridley sea turtles, by limiting Artificial Light that is Visible From the Beach. Artificial Light is documented to cause misorientation and disorientation of nesting females and sea turtle hatchlings, which is documented to lead to injury and death of adult sea turtles and hatchlings.

(Ord. No. 90-13, § 1, 5-7-90)

Section 4. 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.~~

Proposed Ordinance 2020-23 – Sea Turtle Protection Ordinance
Attachment A – Proposed Ordinance

~~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 5. 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.

It is the intent of the Town of Hilton Head Island to reduce the number of nesting adult females and sea turtle hatchlings misoriented and disoriented by Artificial Light that is Visible From The Beaches of Hilton Head Island. To meet this intent, all New Development shall comply with the standards below. Exterior Light Fixtures, windows, and glass doors that are Visible From the Beach, or 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. Ambient Light is permitted.

- (a) Exterior Light Fixtures that are Visible From The Beach shall be Downward Directed, and shall also have a Shield.**
- (b) Floodlights that are 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 Light Fixtures shall be activated by a motion detector or**

Proposed Ordinance 2020-23 – Sea Turtle Protection Ordinance
Attachment A – Proposed Ordinance

shall use bulbs that produce long wavelength light (560 nanometers or greater), which is amber, orange, or red light. The light from any such Floodlight shall not spread beyond the boundary of the property being developed.

- (c) Permanent Security Lighting Visible From The Beach shall be permitted throughout the night as long as Low Profile Luminaires are used.
- (d) 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.
- (e) Windows and glass doors that are Visible From The Beach shall have Tinted or Filmed Glass, or shall be installed with an interior or exterior Solar Screen. If a Solar Screen is used, the Solar Screen must completely cover the glass between 10:00 p.m. and 6:00 a.m. during Sea Turtle Nesting Season.

Section 6. Deletion. That Section 8-5-114 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby deleted as follows:

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

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

(Ord. No. 90-13, § 1, 5-7-90)

Section 7. Addition. That Section 8-5-114 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby added as follows:

Sec. 8-5-114. - Exemptions Sec. 8-5-114.

The provisions of Section 8-5-113 shall not apply to any structure for which a building permit has been issued or applied for by the Town of Hilton Head Island prior to April 30, 2021.

(Ord. No. 90-13, § 1, 5-7-90)

Section 8. 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.

Proposed Ordinance 2020-23 – Sea Turtle Protection Ordinance
Attachment A – Proposed Ordinance

- (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 9. 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 intent of the Town of Hilton Head Island to reduce the number of nesting adult females and sea turtle hatchlings misoriented and disoriented by Artificial Light that is Visible From The Beaches of Hilton Head Island. To meet this intent, all Existing Development shall comply with the standards below. Ambient Light is permitted.

- (a) All exterior Light Fixtures Visible From The Beach shall be Downward Directed and have a Shield on or after 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) On or 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 Floodlights shall be activated by a motion detector or shall use bulbs that produce long wavelength light (560 nanometers (NM) or greater), which is amber, orange, or red light. The light shall not spread beyond the boundary of the property being developed.**
- (c) On or after May 1, 2021, permanent Security Lighting Visible From The Beach shall be permitted throughout the night as long as Low Profile Luminaires are used or any such permanent Security Lighting shall be turned off between 10:00 p.m. and 6:00 a.m. during Sea Turtle Nesting Season.**
- (d) On or 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 Downward Directed, have a Shield, and**

Proposed Ordinance 2020-23 – Sea Turtle Protection Ordinance
Attachment A – Proposed Ordinance

use bulbs that produce long wavelength light (560 nanometers (NM) or greater), which is amber, orange or red light, are exempt from this requirement.

- (f) On or 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. Ambient Light is permitted.
1. Use Opaque material (curtains, blinds, drapes, etc.) or Solar Screens 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. Apply Tint or Film with a manufacturer verified inside-to-outside light Transmittance Value of 0.45 (45%) or less to windows and glass doors that are Visible From The Beach. Any Tint or Film used shall not be dual reflective or mirror finish.
 3. Use Shields on Light Fixtures that are Visible From The Beach.
 4. Use long wavelength (560 nanometers (NM) or greater) lightbulbs in Light Fixtures that are Visible From The Beach.
 5. 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.

- (g) On or after May 1, 2021, new windows and glass doors installed in Existing Development that are Visible From The Beach shall be of Tinted or Filmed Glass, or shall be installed with an interior or exterior Solar Screen. Existing Development shall be exempt from the requirement of this Sec. 8-5-115(g) if the total area of all new windows and glass doors to be installed constitutes less than half of the total area of windows and glass doors on the structure that are Visible From The Beach.

Section 10. 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 11. 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:

Proposed Ordinance 2020-23 – Sea Turtle Protection Ordinance
Attachment A – Proposed Ordinance

Sec. 8-5-1176. - 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 12. 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 13. 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 _____, 2021.

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: _____

Proposed Ordinance 2020-23 – Sea Turtle Protection Ordinance
Attachment B – Existing Ordinance

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.

Proposed Ordinance 2020-23 – Sea Turtle Protection Ordinance
Attachment B – Existing Ordinance

- (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.

Proposed Ordinance 2020-23 – Sea Turtle Protection Ordinance
Attachment B – Existing Ordinance

(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)