



Mayor

Craig E. Weaver

Council Members

Jack Koach

Diana L. Mezzanotte

Chris Widuch

John R. Wilson

Town Administrator

Stephanie Monroe Tillerson

4475 Betsy Kerrison Parkway | Kiawah Island, SC 29455 | (843) 768-9166 | Fax (843) 768-4764 | www.kiawahisland.org

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

September 4, 2018; 2:00 PM

AGENDA

- I. Call to Order:
- II. Pledge of Allegiance
- III. Approval of Minutes:
 - A. Minutes of the Town Council Meeting of August 7, 2018 [Tab 1]
- IV. Mayor's Update:
- V. Citizens' Comments (Agenda Items Only)
- VI. Presentations:
 - A. CHATS 2040 Long Range Transportation Plan Presentation [Tab 2]
 - B. Flood & Sea Level Rise Report Presentation
- VII. Old Business:
 - None
- VIII. New Business:
 - A. Ordinance 2018- 12 - An Ordinance to Amend Article 16 – Beach Management, Chapter 1 – Beach Lighting - First Reading [Tab 3]
- IX. Other Business:
 - None
- X. Town Administrator's Report:
- XI. Council Member:
 - a. Committee Updates
 - b. General Comments
- XII. Citizens' Comments:
- XIII. Executive Session:
- XIV. Adjournment:

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

August 7, 2018; 10:00 AM

AGENDA

I. **Call to Order:** *Mayor Weaver called the meeting to order at 10:00 am.*

II. **Pledge of Allegiance**

Present at the meeting: Craig Weaver, Mayor
John R. Wilson
Diana Mezzanotte
Jack Koach
Chris Widuch

Also Present: Stephanie Monroe Tillerson, Town Administrator
Dorota Szubert, Town Treasurer
Petra Reynolds, Town Clerk

III. **Approval of Minutes:**

A. Minutes of the Town Council Meeting of July 3, 2018

Mr. Widuch made a motion to approve the minutes of the July 3, 2018, Town Council Meeting. The motion was seconded by Mr. Koach and the minutes were unanimously approved.

IV. **Mayor's Update:**

Mayor Weaver reported that the sentence hearing for the former Town Administrator and Treasurer is scheduled for 2:00 pm today at the Federal Court House. He stated that he would be attending the hearing to represent the Town and will communicate the outcome to the community.

V. **Citizens' Comments (Agenda Items Only)**

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick suggested, when there is a change in the meeting time or schedule, that the banner across the Town's website reflect the changes. She noted that posting meetings in the banner might serve as a reminder and encourage more people to attend them.

Mrs. Kulick was informed that the banner did reflect the change in the meeting time with the Mayor adding that the rescheduling of the Town Council meeting to 10:00 am was to allow him to attend the hearing and to not delay discussion of one very important agenda item.

VI. **Consent:**

A. Ordinance 2018-09 - To Amend Article 14 - General Regulations, Chapter 1 - Flood Damage Prevention, Division 3 – Provisions for Flood Hazard Reduction, Section 14-173 – Special Standard - Second Reading

The approval of the second reading of Ordinance 2018-09 to Amend Article 14 - General Regulations, Chapter 1 - Flood Damage Prevention, Division 3 – Provisions for Flood Hazard Reduction, Section 14-173 - Special Standards and was unanimously passed.

VII. Old Business:
None

VIII. New Business:

A. To Consider Approval of the CARTA Proposed 2019 Fiscal Year Budget

Mayor Weaver stated that even though the Town has very little business with the Charleston Area Regional Transportation Authority (CARTA), it has a seat on the board and thereby has a role in the budgeting approval process.

Ms. Andrea Kieslowski, a representative from CARTA, presented the proposed FY 2018-2019 budget. She reviewed some of the highlights of the budget which included the accomplishments to date, the opening of the New Intermodal Center in North Charleston, scheduled to open in February of 2019, and the Lowcountry Rapid Transit Line, which will hopefully be funded by federal grants, is CARTA's next big project.

Ms. Kieslowski indicated that system and technology improvements would be implemented in the upcoming year includes camera replacements, along with the addition of sixty-two shelters, and forty benches to be installed throughout the service area.

Mayor Weaver inquired about the downtown hospitality route and CARTA expansion on to Johns Island. Ms. Kieslowski indicated that ridership has shown a need for the downtown route, but that budget and funding would be the deciding factors. She indicated that Tri-County Link currently serves Johns Island, and CARTA intends to combine Tri-County Link and CARTA over the next few years to create one regional transit system for the tri-county area that will increase routes to increase ridership to and from Johns Island.

Mr. Widuch made a motion to approve the FY 2018-2019 CARTA budget. The motion was seconded by Mrs. Mezzanotte and was unanimously passed.

B. To Consider Approval to Proceed with Demolition and Consider Acquisition of Property located at 122 Turnberry Drive

Mr. Widuch reported that he first became involved with the issue of the Turnberry property approximately one year ago. He indicated that it had been a very slow process, by design, over the course of that year. The Town has made repeated efforts to make contact with the property owner and a lien holder. With no response from either party, Town Council feels confident that they have fulfilled each of the steps in the process to legally proceed with condemnation. He stated that Council toured the property and were in agreement that it had become a danger to the neighborhood.

Mr. Green, the Town Attorney, stated that the condemnation process is tedious for a municipality and requirements had to follow to the letter to not expose the Town to any liability. He stated that the condemnation action was filed in February, followed by the summons complaint which received no

reply from the owner or lienholder. The Town will now be filing for summary judgment and serve by publication, to put on notice that the Town will be demolishing the building.

Mr. Christopher Murphy, an attorney with Resnik and Louis, reviewed the timeline and process to actual demolition. Council will have to determine whether to acquire the entire property or just the building. He indicated that following the decision, he would be making notice of publication, followed by a motion for summary judgment which will be reduced to a court order that would declare the building is worth \$0 and that the Town is permitted to tear it down. Acting by the judicial order, the Town will be immune from liability. The entire legal process may take thirty to sixty days and as long as one hundred twenty days.

Council members engaged in an in-depth discussion of the procedure followed in the notification service process, potential costs and challenges in acquiring just the building or the entire property. Mayor Weaver explained that to acquire the building and property the Town would have to give the court \$300,000.00, the worth of the property along with the \$50,000.00 estimated for demolition and some property landscaping and the transaction costs associated with the sale of the property. He stated that in taking just the house, the Town could lien the property for the costs that are incurred.

The responsibility for future maintenance of the property falls on the property owner. The Community Association (KICA), has agreed to maintain the property if neglected, and through KICA and ARB rules and regulations, be responsible for conveying the costs for maintenance and fines to the current property owner.

Mr. Widuch confirmed his support of the Town by taking just the house and not the entire property. Mrs. Mezzanotte, along with Mr. Koach and Mr. Wilson, by email, agreed with Mr. Widuch and expressed their support for the same position. Mayor Weaver added that the Town would be assuming all costs associated with the demolition and initial reclamation actions.

Denise Wardle – 130 Turnberry Lane

Mrs. Wardle thanked Council, Ms. Tillerson, Mr. Green and Mr. Widuch for their hard work and is grateful for a resolution to an issue that she has been working on for seven years.

Laura Burt – 123 Turnberry Lane

Ms. Bart questioned when notice will be given and if there will be any type of extermination process before the house is brought down to prevent rodents from moving to other homes.

Ms. Bart was notified that the Community Association has been paying for extermination services and will continue until the home is demolished.

Mr. Widuch made a motion authorizing legal counsel to move forward to file the necessary actions to demolish the property at 122 Turnberry Lane. The motion was seconded by Mr. Koach and unanimously passed.

Mayor Weaver made a motion to authorize the Town Administrator to incur costs up to \$50,000 plus any attorney's fees incurred to date, to be used for the cost of demolition and any appropriate,

necessary re-landscaping of the property at 122 Turnberry Lane. The motion was seconded by Mrs. Mezzanotte and was unanimously passed.

Ms. Tillerson clarified that the first motion was for the demolition of the home and did not include the acquisition of the property.

IX. Other Business:

None

X. Town Administrator's Report:

Ms. Tillerson reported that the Communications and Wildlife departments had released its fifth video in the *Wild About* series on Painted Buntings. The series is available on the Town's You Tube channel and the website.

XI. Council Member:

- a. Committee Updates**
- b. General Comments**

Mrs. Mezzanotte reported that the first Arts Council program of this fiscal year, Moranz – *Let the Good Times Roll* was on July 23rd with 425 tickets sold. The next event on August 12th, Charleston Jazz – *Motown* is sold out.

Mrs. Mezzanotte reported that the Sea Level Rise report will be presented to the *Environmental Committee* on August meeting for approval and will be presented to Council at the September meeting.

Mrs. Mezzanotte reported that Town and KICA staff participated in the annual alligator survey which was conducted in July. The results are not currently available, but over the year the population seems have stabilized at approximately 600 alligators.

Mrs. Mezzanotte reported that the first draft of the native plant database is under review by the Kiawah Landscaping Workgroup. The workgroup, which is a subcommittee of the Environmental Committee, plans to launch this new Kiawah resource on October 15 at a Conservation Matter program. The information will also be available on the Town's website, eventually in a searchable, user-friendly format.

Mr. Widuch reported that the Public Safety Committee met on July 18. Chief Walz, with the St. John's Fire District (STJFD), reported construction at Fire Station 6 near Flyway is now expected to be completed no sooner than September. The upcoming vacancy on the St. Johns Fire Department Commission is expected to be posted in October. He asked any resident interested in serving to contact him or the Mayor to provide some background information before the official posting.

Mr. Widuch reported that the STJFD had secured funding to purchase two Quick Response Vehicles (QRV). The expectation is that one will be stationed on Kiawah as early as December and is a significant enhancement to emergency services for Kiawah.

Mr. Widuch reported that Beach Patrol has relocated out the Town's garage and into their new facility on Sora Rail Road.

Mr. Widuch reported that the Communication Committee has two publications that are due to be released by the end of the month.

- The Town's "Budget at a Glance" brochure
- One page "Maze of K's" explanation

Mr. Widuch reported that a conference call was held with Charleston County Chair Rawls and Councilmember Qualey regarding the new police model. The discussion is ongoing while working through the process.

XII. Citizens' Comments:

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick stated that with the recent bike path flooding from the entrance of Cassique to Freshfields, she would suggest that in the future if there is a flooding event, the Town to provide notice of it via e-Blast or on its website.

Mayor Weaver responded by stating that an issue with clogged drains have been cleaned out and the flooding issue should be resolved.

Ms. Tillerson made an addition to her report by stating that representatives from Big Rock Partners would be presenting plans for a senior living facility next to Freshfields, at the Planning Commission meeting on Wednesday, August 8th at 2:00 pm.

XIII. Executive Session:

None

XIV. Adjournment:

Mr. Widuch motioned to adjourn the meeting at 4:30 pm. The motion was seconded by Mr. Koach and carried unanimously.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Craig E. Weaver, Mayor

Date



Mayor

Craig E. Weaver

Council Members

Jack Koach

Diana L. Mezzanotte

Chris Widuch

John R. Wilson

Town Administrator

Stephanie Monroe Tillerson

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MEMORANDUM

TO: Mayor Weaver, Town Council Members

CC: Stephanie Tillerson, Town Administrator


FROM: John Taylor, Jr., Planning Director

DATE: August 30, 2018

SUBJECT: **CHATS – 2040 Long Range Transportation Plan Update**

Attached you will find presentation slides providing a brief update of the status of the 2040 Long Range Transportation Plan Update for the region. Please feel free to call or email me at (843-768-9166) jtaylor@kiawahisland.org if you have any questions or concerns prior to the meeting.

John Taylor, Jr.
Planning Director



CHATS
L RTP
2040 LONG RANGE TRANSPORTATION PLAN

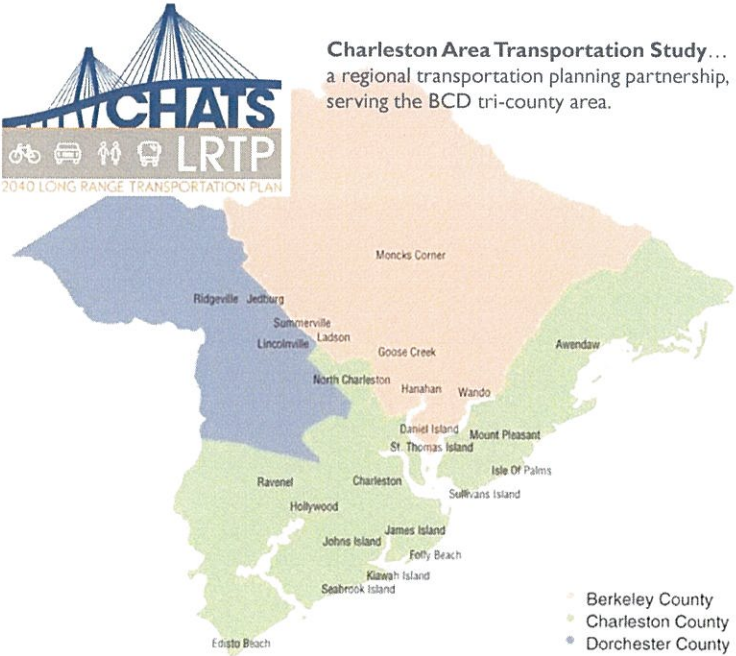
TOWN OF KIAWAH ISLAND - TOWN COUNCIL MEETING
SEPTEMBER 4, 2018

TOWN OF KIAWAH ISLAND MUNICIPAL CENTER | 4475 BETSY KERRISON PARKWAY, KIAWAH ISLAND, SC 29455

LONG RANGE
TRANSPORTAION PLAN

The Long Range Plan sets priorities for spending federal funds on transportation projects in our region.

The Plan covers all modes of transport including automobile, transit, bicycle, pedestrian, railroad, freight, and intermodal movements.

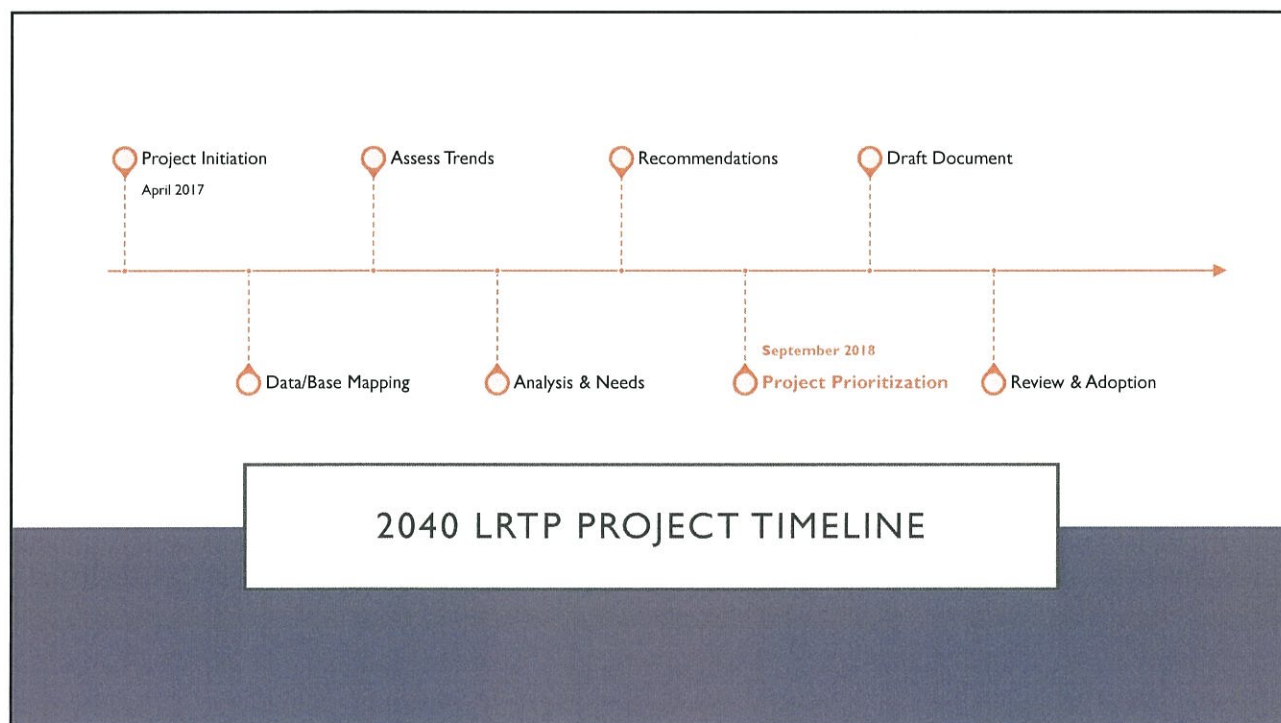


Charleston Area Transportation Study...
a regional transportation planning partnership, serving the BCD tri-county area.

CHATS
L RTP
2040 LONG RANGE TRANSPORTATION PLAN

Locations: Moncks Corner, Ridgeville, Jettburg, Summerville, Ladson, Goose Creek, Awendaw, North Charleston, Hanahan, Wando, Daniel Island, Mount Pleasant, St. Thomas Island, Isle Of Palms, Sullivan's Island, Charleston, Ravenel, Hollywood, James Island, John's Island, Folly Beach, Kiawah Island, Seabrook Island, Edisto Beach.


Legend:
Berkeley County
Charleston County
Dorchester County



PROJECT RANKING

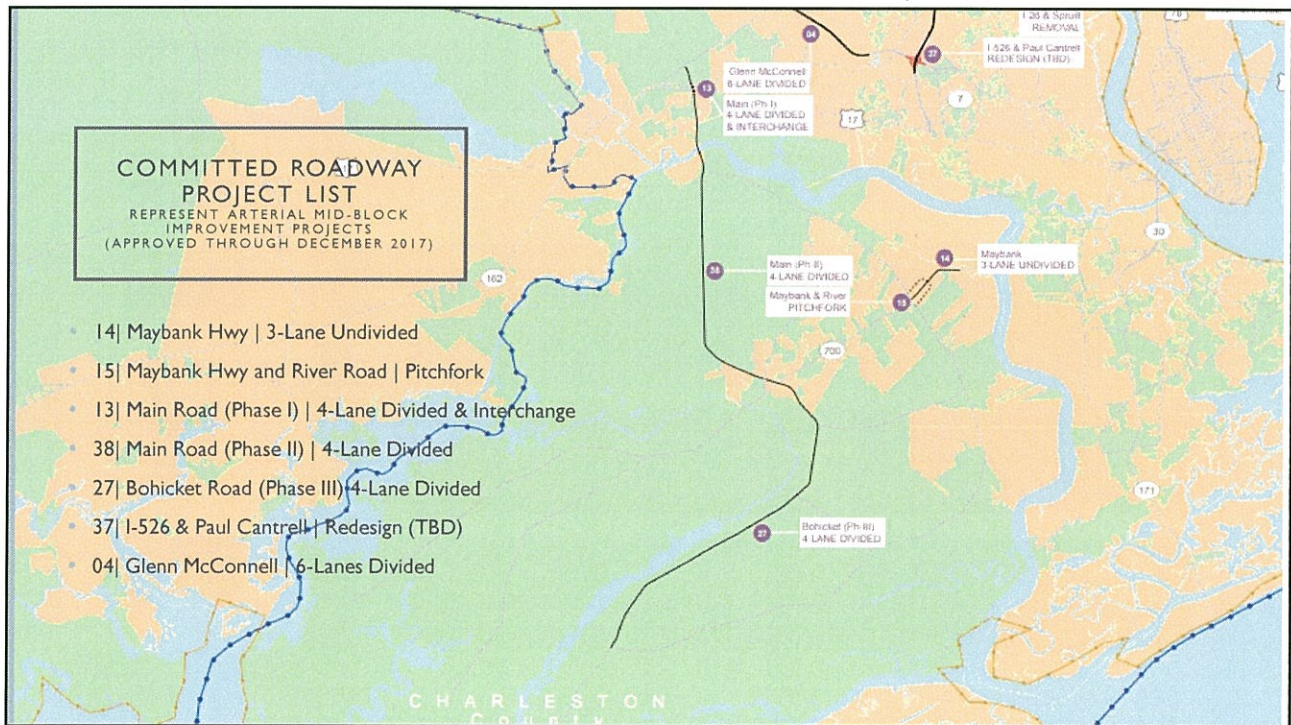
- The study team is in the process of evaluating transportation projects to identify the top 20 projects for the region.
- Criteria was developed from input of the top regional traffic concerns.
- These include Midblock widening projects, Access management, intersections and corridor studies.

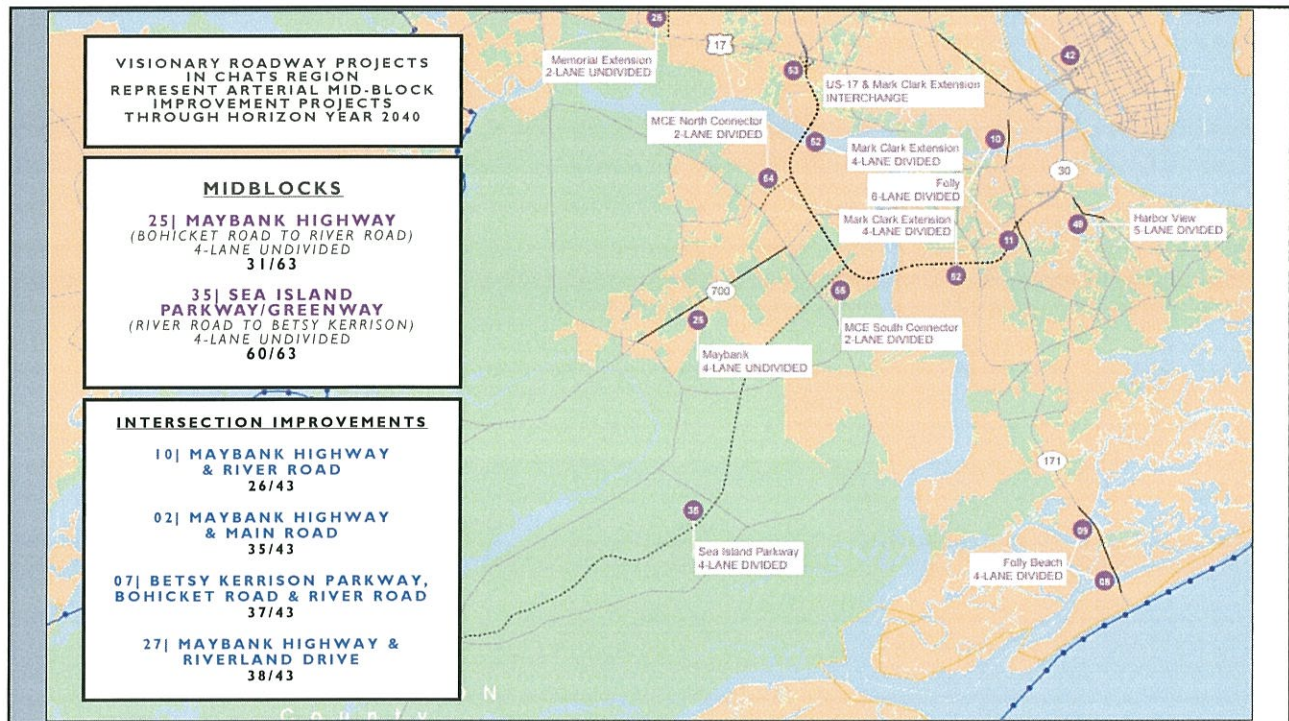
Weighted Evaluation Criteria	
Congestion Relief	20%
Supports Transit	10%
Improves Freight Mobility	10%
Improves Existing Infrastructure	10%
Addresses Safety	8%
Evacuation Route	4%
Financial Viability	10%
Environmental Impact Mitigation	8%
Supports Bicycling	3%
Supports Walking	3%
Supports Local Land Use	7%
Supports Economic Development	7%
TOTAL	100%



TRENDS & TAKEAWAYS

- Top ranked regional projects showed high values for congestion relief, improving transit, improving existing infrastructure, freight mobility, and supporting economic development.
- Projects with direct traffic impact to Kiawah, Seabrook and Johns Island have been added to the committed projects list.
- L RTP is fiscally constrained where a project cannot be included unless a means is identified to fund it.





NEXT STEPS



The evaluation matrix will be used by the consultants to develop the financial plan section of the LRTP.



BCDCOG staff is working to finalize its comments on other sections of the draft plan.



The Study Team will be scheduled for a meeting in early September to review the draft plan, including the financial plan.



REFERENCE MAPS AND DATA
PROVIDED BY CHATS/BCDCOG
bcdcog.com

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2018-12

AN ORDINANCE TO AMEND ARTICLE 16 – BEACH MANAGEMENT, CHAPTER 1 – BEACH LIGHTING

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 16 – Beach Management, Chapter 1 – Beach Lighting, Section 16-101, 16-102, 16-103, 16-104, 16-105, and 16-106, and;

WHEREAS, the Town wishes to regulate the sources of artificial light to protect sea turtles which nest along the beaches of Kiawah Island, and;

WHEREAS, the Town wishes to amend the current sections relating to the beach lighting regulations.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 Purpose

The purpose of this Ordinance is to adopt the amendment of Article 16 – Beach Management, Chapter 1 – Beach Lighting, Sections 16-101, 16-102, 16-103, 16-104, 16-105, 16-106 and create Section 16-107 - Individual use of lights.

Section 2 Ordinance

Sections 16-101, 16-102, 16-103, 16-104, 16-105, and 16-106 are replaced with the following:

Sec. 16-101 Need for beach lighting regulations

The purpose of this chapter is to protect sea turtles which nest along the beaches of Kiawah Island by safeguarding nesting females and hatchlings from sources of artificial light.

Sec. 16-102 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Artificial light means 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.

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).

Floodlight means a reflector type light fixture which is attached directly to a building and which is unshielded.

Low profile luminaire means a light fixture set on a base which raises the source of the light no higher than 48 inches off the ground and designed in such a way that light is directed downward from a hooded light source.

New development means and includes new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.

Person means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group or unit of federal, state, county or municipal government.

Pole lighting means a light fixture set on a base or pole which raises the source of the light higher than 48 inches off the ground.

Point source means the bulb, lamp, or glowing elements of a fixture from which light is emitted.

Shading coefficient means a coefficient expressing that percentage of the incident radiation which passes through the window as heat.

Tinted or filmed glass means window glass which has been covered with window tint or film such that the material has:

- (1) A shading coefficient of 0.45 or less
- (2) A minimum five-year warranty;
- (3) Adhesive as an integral part; and
- (4) Performance claims supported by approved testing procedures and documentation

Sec. 16-103

New Development

It is the policy of the Town of Kiawah Island that no artificial light shall illuminate any area of the beaches of Kiawah Island and that no exterior point source of artificial light shall be visible from the beach. 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 for real property (if such lighting can be seen from the beach), shall be in compliance with the following:

- (1) Floodlights shall be prohibited. Wall-mounted light fixtures shall be fitted with hoods so that no light illuminates the beach and the point source of light is not visible from the beach.
- (2) Pole lighting shall be shielded so that no light illuminates the beach and the point source of light is not visible from the beach. Outdoor lighting shall be held to the minimum necessary for security and convenience.
- (3) Low profile luminaries shall be used in parking lots and such lighting shall be positioned so that no light illuminates the beach and no point source of light is visible from the beach.
- (4) Dune walkovers shall utilize low profile shielded luminaries.
- (5) Lights on balconies shall be fitted with hoods so that no light illuminates the beach and no point source of light is visible from the beach.
- (6) Tinted or filmed glass shall be used in windows facing the ocean.
- (7) Temporary 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 or shall the point source of light be visible from the beach. Lights shall be turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.

Sec. 16-104 **Exemptions for new development**

The provisions of Section 16-103 shall not apply to any structure for which a building permit has been issued by the town, prior to the effective date of Ordinance No. 2018-12 (i.e., October 2, 2018), which preceded this article.

Sec. 16-105 **Existing development**

It is the policy of the Town of Kiawah Island that no artificial light shall illuminate any area of the beaches of Kiawah Island and that no exterior point source of artificial light shall be visible from the beach. To meet this intent, lighting of existing structures which can be seen

from the beach shall be in compliance with the following within six months of the effective date of the ordinance from which this article is derived:

- (1) Lights illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened such that the point source of light is not visible from the beach or turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.
- (2) Lights illuminating dune crosswalks shall be turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.
- (3) Security lighting shall be permitted throughout the night so long as low-profile luminaries are used and screened in such a way that those lights do not illuminate the beach and no point source of light is visible from the beach.

Sec. 16-106 **Community-Owned lighting**

Street lights and lighting at parks and other publicly-owned *beach* access areas shall be subject to the following:

- (1) Street lights 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 the point source of light not visible from the *beach*.
- (2) Lights at parks or other public *beach* access points shall be shielded or shaded so that the point source of light is not visible from the beach or shall be turned off from 9pm to dawn during the period of May 1 to October 31 of each year.

Section 16-107 - Individual use of lights, is hereby created as follows:

Sec. 16-107 **Individual use of lights**

- (1) Use of unfiltered lights (any color spectrum except red), including but not limited to flashlights, cellular phones, and cameras, by persons are prohibited on the beach from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.
- (2) No unfiltered light shall be shown directly on adult turtles, eggs or hatchlings.

Section 3 **Severability**

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the

remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

Section 4 **Effective Date and Duration**

This Ordinance shall be effective upon its enactment by Town Council for the Town of Kiawah Island.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND
ON THIS ____ DAY OF _____, 2018.**

Craig Weaver, Mayor

Petra S. Reynolds, Town Clerk

___/___/2018 1st Reading

___/___/2018 2nd Reading

- **Article 16 - *BEACH* MANAGEMENT**^[1]

- **CHAPTER 1. - *BEACH* LIGHTING**

- **Sec. 16-101. - Need for *beach lighting* regulations.**

The purpose of this chapter is to protect sea turtles which nest along the beaches of Kiawah Island by safeguarding nesting females and the hatchlings from sources of artificial *light*.

(Code 1993, § 16-101; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-102. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Artificial light means 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.

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).

Floodlight means a reflector type *light* fixture which is attached directly to a building and which is unshielded.

Low profile luminaire means a *light* fixture set on a base which raises the source of the *light* no higher than 48 inches off the ground, and designed in such a way that *light* is directed downward from a hooded *light* source.

New development means and includes new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.

Person means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group or unit of federal, state, county or municipal government.

Pole lighting means a *light* fixture set on a base or pole which raises the source of the *light* higher than 48 inches off the ground.

Point source means the bulb, lamp, or glowing elements of a fixture from which light is emitted.

Shading coefficient means a coefficient expressing that percentage of the incident radiation which passes through the window as heat.

~~*Solar screens* means 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 0.45 or less;~~

~~(2) Carry a minimum five-year warranty; and~~

~~(3) Have performance claims supported by approved testing procedures and documentation.~~

Tinted or filmed glass means window glass which has been covered with window tint or film such that the material has:

- (1) A shading coefficient of 0.45 or less;
- (2) A minimum five-year warranty;
- (3) Adhesive as an integral part; and
- (4) Performance claims supported by approved testing procedures and documentation.

(Code 1993, § 16-102; Ord. No. 2001-2, 3-13-2001)

• Sec. 16-103. - New development.

It is the policy of the ~~town council~~ Town of Kiawah Island that no artificial *light* ~~associated with new development within the 40-year setback zone shall~~ illuminate any area of the beaches of Kiawah Island and that no exterior point source of artificial light shall be visible from the beach. 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 for real property (if such lighting ~~associated with such construction or development~~ can be seen from the *beach*), shall be in compliance with the following:

- (1) Floodlights shall be prohibited. Wall-mounted *light* fixtures shall be fitted with hoods so that no *light* illuminates the *beach* and the point source of light is not visible from the beach.
- (2) Pole lighting shall be shielded in such a way so that no light illuminates the beach and the point source of light is not visible from the beach ~~light will be contained within an arc of three to 73 degrees on the seaward side of the pole~~. Outdoor lighting shall be held to the minimum necessary for security and convenience.
- (3) Low profile luminaries shall be used in parking lots and such lighting shall be positioned so that no *light* illuminates the *beach* and no point source of light is visible from the beach.
- (4) Dune walkovers shall utilize low profile shielded luminaries.
- (5) Lights on balconies shall be fitted with hoods so that no lights will not illuminates the *beach* and no point source of light is visible from the beach.
- (6) Tinted or filmed glass shall be used in windows facing the ocean ~~above the first floor or multistory structures. Shade screens can be substituted for this requirement.~~
- (7) 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* or shall the point source of light be visible from the beach. Lights shall be turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.

(Code 1993, § 16-103; Ord. No. 2001-2, 3-13-2001)

• Sec. 16-104. - Exemptions for new development.

The provisions of section 16-103 shall not apply to any structure for which a building permit has been issued by the town, prior to the effective date of Ordinance No. 91-4xxxxx (i.e., August 15, 1991xxxx, 2018), which preceded this article.

(Code 1993, § 16-104; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-105. - Existing development.**

It is the policy of the ~~town council~~ Town of Kiawah Island that no artificial light ~~shall~~ illuminate any area of the beaches of Kiawah Island ~~and that no exterior point source of artificial light shall be visible from the beach.~~ To meet this intent, lighting of existing structures ~~within the 40-year setback zone~~ which can be seen from the *beach* shall be in compliance with the following within six months of the effective date of the ordinance from which this article is derived:

- (1) Lights illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened such that ~~the point source of light is they are~~ not visible from the *beach*, or turned off ~~after from~~ 9:00 p.m. until dawn during the period of May 1~~5~~ to October 31 of each year.
- (2) Lights illuminating dune crosswalks ~~of any area oceanward of the dune line~~ shall be turned off ~~after from~~ 9:00 p.m. until dawn during the period of May 1~~5~~ to October 31 of each year.
- (3) Security lighting shall be permitted throughout the night so long as low-profile luminaries are used and screened in such a way that those lights do not illuminate the *beach* and no point source of light is visible from the beach.
- ~~(4) 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.~~

(Code 1993, § 16-105; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-106. - Community-owned lighting.**

Street lights and lighting at parks and other publicly-owned *beach* access areas ~~within the 40-year setback zone~~ shall be subject to the following:

- (1) ~~Whenever possible, s~~Street lights 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 ~~the point source of light them~~ not visible from the *beach*.
- (2) Lights at parks or other public *beach* access points shall be shielded or shaded so that the point source of light is not visible from the beach, or shall ~~not be turned off from 9pm to dawn~~ ~~utilized~~ during the period of May 1~~5~~ to October 31 of each year.

(Code 1993, § 16-106; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-107. – Individual use of lights.**

(1) Use of unfiltered lights (any color spectrum except red), including but not limited to flashlights, cellular phones, and cameras, by persons are prohibited on the beach from 9 pm until dawn during the period of May 1 to October 31 of each year.

(2) No unfiltered light shall be shown directly on adult turtles, eggs or hatchlings.

- **Article 16 - *BEACH* MANAGEMENT^[1]**

- **CHAPTER 1. - *BEACH* LIGHTING**

- **Sec. 16-101. - Need for beach lighting regulations.**

The purpose of this chapter is to protect sea turtles which nest along the beaches of Kiawah Island by safeguarding nesting females and hatchlings from sources of artificial *light*.

(Code 1993, § 16-101; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-102. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Artificial light means 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.

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).

Floodlight means a reflector type light fixture which is attached directly to a building and which is unshielded.

Low profile luminaire means a light fixture set on a base which raises the source of the light no higher than 48 inches off the ground and designed in such a way that light is directed downward from a hooded light source.

New development means and includes new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.

Person means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group or unit of federal, state, county or municipal government.

Pole lighting means a light fixture set on a base or pole which raises the source of the light higher than 48 inches off the ground.

Point source means the bulb, lamp, or glowing elements of a fixture from which light is emitted.

Shading coefficient means a coefficient expressing that percentage of the incident radiation which passes through the window as heat.

Tinted or filmed glass means window glass which has been covered with window tint or film such that the material has:

- (1) A shading coefficient of 0.45 or less;
- (2) A minimum five-year warranty;
- (3) Adhesive as an integral part; and
- (4) Performance claims supported by approved testing procedures and documentation.

(Code 1993, § 16-102; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-103. - New development.**

It is the policy of the Town of Kiawah Island that no artificial light shall illuminate any area of the beaches of Kiawah Island and that no exterior point source of artificial light shall be visible from the beach. 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 for real property (if such lighting can be seen from the beach), shall be in compliance with the following:

- (1) Floodlights shall be prohibited. Wall-mounted light fixtures shall be fitted with hoods so that no light illuminates the beach and the point source of light is not visible from the beach.
- (2) Pole lighting shall be shielded so that no light illuminates the beach and the point source of light is not visible from the beach. Outdoor lighting shall be held to the minimum necessary for security and convenience.
- (3) Low profile luminaries shall be used in parking lots and such lighting shall be positioned so that no light illuminates the beach and no point source of light is visible from the beach.
- (4) Dune walkovers shall utilize low profile shielded luminaries.
- (5) Lights on balconies shall be fitted with hoods so that no light illuminates the beach and no point source of light is visible from the beach.
- (6) Tinted or filmed glass shall be used in windows facing the ocean.
- (7) Temporary 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 or shall the point source of light be visible from the beach. Lights shall be turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.

(Code 1993, § 16-103; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-104. - Exemptions for new development.**

The provisions of section 16-103 shall not apply to any structure for which a building permit has been issued by the town, prior to the effective date of Ordinance No. xxxxx (i.e., xxxx, 2018), which preceded this article.

(Code 1993, § 16-104; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-105. - Existing development.**

It is the policy of the Town of Kiawah Island that no artificial light shall illuminate any area of the beaches of Kiawah Island and that no exterior point source of artificial light shall be visible from the beach. To meet this intent, lighting of existing structures which can be seen from the beach shall be in compliance with the following within six months of the effective date of the ordinance from which this article is derived:

- (1) Lights illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened such that the point source of light is not visible from the beach or turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.
- (2) Lights illuminating dune crosswalks shall be turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.
- (3) Security lighting shall be permitted throughout the night so long as low-profile luminaries are used and screened in such a way that those lights do not illuminate the beach and no point source of light is visible from the beach.

(Code 1993, § 16-105; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-106. - Community-owned *lighting*.**

Street lights and lighting at parks and other publicly-owned *beach* access areas shall be subject to the following:

- (1) Street lights 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 the point source of light not visible from the *beach*.
- (2) Lights at parks or other public *beach* access points shall be shielded or shaded so that the point source of light is not visible from the beach or shall be turned off from 9pm to dawn during the period of May 1 to October 31 of each year.

(Code 1993, § 16-106; Ord. No. 2001-2, 3-13-2001)

- **Sec. 16-107. – Individual use of lights.**

- (1) Use of unfiltered lights (any color spectrum except red), including but not limited to flashlights, cellular phones, and cameras, by persons are prohibited on the beach from 9 pm until dawn during the period of May 1 to October 31 of each year.
- (2) No unfiltered light shall be shown directly on adult turtles, eggs or hatchlings.

