



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission

MEETING DATE May 23, 2023

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Proposed amendment to the Town Code of Ordinances to incorporate sea turtle protection lighting standards.

SUMMARY:

At the April 4, 2023 Town Commission meeting, the Commission considered a proposed amendment to the Town Code of Ordinances that would incorporate more comprehensive standards for sea turtle protection lighting. Discussion from the Commission included the commentary noted below in bold (staff response is in italics). The Commission asked that the changes come back for review prior to another first read on the Ordinance.

- **Concern that proposed long wavelength lighting (e.g. amber, orange or red) may not provide safety or security.** *According to the Florida Fish and Wildlife Conservation Commission (FWC), the three golden rules of beachfront lighting are as follows:*

Keep it Low: Mount fixtures as low as possible but still appropriate for the needed purpose.

Keep it Long: Lamp/bulb produces long wavelength light.

Keep it Shielded: Fixtures are downward-directed and able to shield the bulb or lamp from the beach.

According to the FWC, lights that are needed for safety and security should not be turned off, as this may cause a safety hazard. Instead, they should be modified to meet the rules noted above including switching to amber, orange or red LED, adding shielding, and/or repositioning the light to face downward. If a fixture cannot be sufficiently modified, it can be replaced with a Certified Wildlife lighting fixture. Note that the proposed Ordinance reflects the rules noted above and references Certified Wildlife Lighting which are fixtures and bulbs reviewed and approved with conditions of use through the FWC.

-**Consider phasing period for proposed regulations.** *The following revisions have been made to the Ordinance (additions are denoted by a bolded double underline and deletions are denoted by a bolded double ~~strikethrough~~):*

Section 4-8(e) Standards for exterior and interior lighting affixed to new structures, new construction and improvements to existing structures **that requires a building permit.**

(1) All lighting affixed to the exterior of new permanent structures, construction or additions shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible.

(2) As an exception to (e)(1) above, non-egress lighting may be affixed to the landward exterior of permanent structures provided that the fixtures are fitted with a long wavelength source and are not directly, indirectly, or cumulatively visible from any portion of the beach.

(3) Lighting at egress points shall be limited to the minimum number of fixtures and foot-candles necessary to meet federal, state, and local safety requirements.

(4) Locations including but not limited to stairwells, elevators, parking garages, or courtyards shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach. Light screens, shades or curtains shall be used to block visibility of interior lights from the beach. Light screens shall be used on open or enclosed staircases on the seaward or shore-perpendicular side of a building or for parking garages to limit visibility of lights from the nesting beach.

(5) All glass windows, walls, railings and doors on the seaward and shore-perpendicular sides of any new construction shall use tinted glass with an inside to outside light transmittance value of 45 percent or less.

(6) Emergency lights are not subject to the above standards if on a separate circuit and activated only during power outages or other situations in which emergency lighting is necessary for public safety.

(j) Existing Exterior and Interior Lighting. ~~All existing exterior and interior lighting shall be subject to the following regulations:~~

(1) Upon replacement and only if a building permit is required, the reduction ~~reduce~~ or elimination ~~eliminate~~ of the negative effects of existing exterior artificial lighting shall be required through the use of the following measures:

a. Reposition, modify or remove existing lighting fixtures so that the point source of light or any reflective surface of the light fixture is no longer directly, indirectly or cumulatively visible from the beach;

b. Replace fixtures having an exposed light source with fully shielded fixtures;

c. Replace any light source, light bulb or lamp that is not long wavelength (e.g. incandescent, fluorescent, or high intensity lighting) with the lowest wattage long wavelength (e.g. LED or low pressure sodium) light source or lamp available for the specific application;

d. Replace non-directional fixtures with directional fixtures that point down and away from the beach;

e. Provide shields for fixtures visible from the beach when it is not practical to immediately replace them. Beachside shields are to cover 270 degrees and extend below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;

f. Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;

g. Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;

h. Construct a ground level barrier landward of the beach and frontal dune to shield light sources from the beach. Ground-level barriers are to be considered a last resort when no other remediation of the light source is feasible. Ground level barriers may be subject to state coastal construction control line regulations under section 161.053, Florida Statutes, and must not interfere with sea turtle nesting or hatchling emergence, or cause short- or long- term damage to the beach and dune system;

i. Permanently remove or permanently disable any fixture which cannot be brought into compliance with the provisions of these standards.

(2) **Existing structures are encouraged to implement** ~~Take or one more of~~ the following **suggested remedial** measures to minimize interior light emanating from doors and windows within line-of-sight of the beach:

a. Apply window tint or film that meets the light transmittance standards for tinted glass;

b. Rearrange lamps, **televisions**, and other moveable fixtures away from windows;

c. Use opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights from the beach.

Note that for clarity purposes, additional nonsubstantive formatting changes have been made to the Ordinance which are also reflected in either a bolded double underline or strikethrough. For reference purposes, staff has prepared a table that provides sea turtle lighting regulations for existing exterior and interior lighting in both Palm Beach County (PBC) and Boca Raton (see attached).

FISCAL IMPACT:

N/A

ATTACHMENTS:

Proposed Ordinance.

Existing lighting table, other municipalities.

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RECOMMENDATION:

At the discretion of the Commission.