



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** January 16, 2024

**SUBMITTED BY:** Ingrid Allen, Town Planner, Building Department

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

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## SUMMARY:

At the December 5, 2023 Town Commission meeting, the Commission considered on first read a proposed amendment to the Town Code of Ordinances that would incorporate comprehensive lighting regulations for the protection of sea turtles. Discussion from the Commission included the following commentary which is noted in **bold**:

1. **Concern regarding the word “shall” as it pertains to minimizing interior light from existing structures (Section 4-8(j)(2)). It was suggested that the word “shall” be softened, and that the option for other remedial measures be provided.**

Based on the above commentary, Section 4-8(j)(2) of the proposed Ordinance was revised as follows (additions are denoted by a gray bolded double underline and deletions are denoted by a gray bolded double ~~strikethrough~~):

- (2) Existing structures ~~require compliance with shall implement~~ require compliance with shall implement one or more of the following ~~suggested~~ remedial measures in order 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;
  - d. Other remedial measures not provided for herein may be approved by the Building Official.**

Effective October 1, 2023, Section 166.041(4), Florida Statutes requires that before the enactment of a proposed ordinance, the governing body of a municipality shall prepare or

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cause to be prepared a Business Impact Estimate (BIE) (see attached). According to Section 166.041(4), Florida Statutes, the BIE is a good faith estimate of the number of businesses likely to be impacted by the Ordinance and may not be construed to require a municipality to procure an accountant or other financial consultant to prepare such BIE.

For reference purposes, a brief history on hearings held relating to the proposed sea turtle lighting Ordinance are provided below:

October 18, 2022: Town Commission considers introduction to proposed Ordinance. A motion was made to send the proposed Ordinance to the Natural Resources Preservation Advisory Board (NRPAB) for review and to ask Gumbo Limbo, Florida Fish and Wildlife Conservation Commission (FWC), and the Town's marine turtle permit holder to give their expert advice (motion carried 5-0). In addition, discussion among the Commission included adding examples of colors that pertain to the definition of "long wavelength."

February 1, 2023: NRPAB made a motion to recommend approval of the proposed Ordinance with the following changes (motion carried 4-0):

- Remove the word 'televisions' from Section 4-8(j)(2)b. and add the following text to Section 4-8(j)(2)c.:
- Use opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights, **light emitting screens including televisions and computers** from the beach.

March 9, 2023: Planning Board made a motion to approve the Ordinance (motion carried 4-0).

April 4, 2023: Town Commission considers proposed Ordinance. Commission commentary includes the following:

- Concern that proposed long wavelength lighting (e.g. amber, orange or red) may not provide safety or security.
- Consider phasing period for proposed regulations.

May 23, 2023: Town Commission considers proposed Ordinance. Commission commentary includes the following:

- All new construction or the full replacement of existing windows, walls, railings, and doors would require a 45% light transmittance value or less while the replacement of individual windows, walls, railings and doors would not.
  - The reference to "nighttime" in Section 4-8(k) Special Events, Motor Vehicles, and Temporary Lighting needs to be specific.
  - Reach out to Delray Sands to see if they have tinted windows and get their input.
  - Provide a sample of tinted glass with a 45 percent light transmittance value.
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**FISCAL IMPACT:**

None

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**ATTACHMENTS:**

Proposed Ordinance

Business Impact Estimate

Sea turtle protection lighting table, other municipalities

Town Commission Memorandum – December 5, 2023

Town Commission Memorandum - May 23, 2023

Town Commission Memorandum - April 4, 2023

Public Comment

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**RECOMMENDATION:**

At the discretion of the Town Commission.