

ARTICLE I. GENERAL PROVISIONS, SEA TURTLES AND WETLANDS

Sec. 66-1. General Provisions.

- (a) *Stormwater runoff.* Every site plan shall demonstrate the ability of the onsite detention facilities to accommodate a minimum of one inch of rainfall in one hour. Through the use of natural swales and other similar devices, post-development runoff and nonpoint source pollution shall not exceed predevelopment rates.
- (b) *Water body and wetlands environmental protection report.*
- (1) The site plan of any development adjacent to the Intracoastal Waterway and its tributaries, mangroves or conservation areas shall be subject to review of the vegetative cover adjacent to such water body or wetland area. The goal shall be to ensure that no direct stormwater runoff flows into these adjacent areas and that the vegetative cover achieves a natural transition to the maximum extent feasible. An environmental report shall demonstrate this water body and wetland protection.
- (2) This report shall address any plans to trim or remove mangroves, including a mitigation plan acceptable to the county department of resource management and state department of natural resources, as applicable.
- (c) *Pervious area.* At least 25 percent of any lot area shall be maintained in a natural or landscaped state pervious to rainfall in order to recharge the aquifer and otherwise minimize runoff. See article IV of this chapter for plant material details.
- (d) *Exotic vegetation.* The site plan application shall show any exotic plant species, including Melaleuca, Brazilian pepper and Australian pine. The plan shall demonstrate the removal of such species from the site.
- (e) *Wellfield cones of influence.* Should any wellfields be established in the town, the provisions of County Ordinance No. 88-7 (the Wellfield Protection Ordinance) shall apply to ensure protection of the wellfield cone of influence.
(Ord. No. 540, 3-13-2003)

Sec. 66-2. Protection of sea turtles.

- (a) *Purpose.* The purpose of this section is to protect the threatened and endangered sea turtles which nest along the beaches of the town, by safeguarding the sea turtles and hatchlings. For the purposes of this article the area comprised of the dry sandy beach and the dunes is a protected area.
- (b) *Lighting restrictions along beach.* All oceanfront property owners must ensure that no artificial light illuminates any part of the protected area which may be used for turtle nesting and hatchlings. In order to accomplish this, all lighting must be positioned or shielded so that the light is not a visible source from the beach or is not a source that indirectly illuminates areas seaward of the crest of dune or seawall during the night period from March 1 to October 31 of each year. The night period is defined for purposes of this section as being that time after sunset through sunrise.
- (c) *Site plan review.* For future oceanfront development the administrative official shall proposed site plans to ensure that artificial light sources are positioned or shielded so as to not illuminate any area of the beach which may be used for sea turtle nesting and hatchlings. Site plan review and approval are required prior to the issuance of a building permit. The site plan shall include and illustrate all exterior lights and windows within line of sight of the beach. Light and window tinting information shall include:

(1) The location, number, wattage, elevation, orientation, fixture cut sheets, photometric illustrations and all type(s) of proposed artificial light sources. Artificial light sources shall include, but are not limited to, floodlights, spotlights, temporary security lights, those used on balconies, walkways, recreation areas, roadways, parking lots, dune crossovers, decks, boardwalks and signs.

(2) Protective/mitigative measures to minimize lighting impacts on sea turtles, including measures to prevent direct and indirect illumination of areas seaward of the crest of the dune.

(3) Window tinting specifications for all windows and doors within line of sight of the beach including percentage of visible light transmittance, which must be 45 percent or less.

(4) Streetlights shall be located so that their illumination will travel away from the protected area. Such lights shall be equipped with shades or shields that will, to the extent practical, prevent back-lighting and render such lights not visible from the beach. Notwithstanding the provisions of this subsection, the town manager may authorize an exception where documented criminal activity has occurred within one year of its administration, or where public safety requires.

(5) Lights at parks or other public beach access points shall be properly positioned or shielded, or, to the extent the lights are determined by the town not to be necessary for public safety purposes, shall not be utilized during the period from March 1 to October 31 of each year.

(6) Artificial lighting for decorative or accent purposes and uplights shall not be permitted within the protected area.

(d) *Damage to sea turtles.* In addition to any other requirements of federal, state or countywide laws or ordinances, it shall be a violation of this land development code to damage, or disturb sea turtle nests, or to damage, disturb or destroy sea turtles or hatchlings. The director of public safety shall assure that the state department of environmental protection is notified of any and all violations of this section.

(e) *Prohibition against removal of beach and sand dunes from coastal area.* No person or property owner shall remove any part of the beach or sand dunes from the protected area.

(Code 1993, § 26-110)

Cross references: Animals, ch. 10.

Secs. 66-3--66-15. Reserved.