

**CITY OF ALPINE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JULY 24, 2023 - 5:30 P.M.**

NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING COMMISSION OF THE CITY OF ALPINE, TEXAS, WILL HOLD A MEETING AT 5:30 P.M. ON MONDAY, JULY 24, 2023, AT CITY COUNCIL CHAMBERS LOCATED AT 803 WEST HOLLAND AVENUE AND VIA ZOOM FOR THE PURPOSE OF CONSIDERING THE ATTACHED AGENDA. THIS NOTICE IS POSTED PURSUANT TO THE TEXAS OPEN MEETINGS ACT. ACTION ITEMS APPROVED AT THIS MEETING WILL BE CONSIDERED BY THE CITY COUNCIL FOR FINAL ACTION.

AGENDA

1. Call to Order.

2. Public Comments.

3. Public Hearings – None.

4. Approval of minutes of previous Board Meeting –

- a) June 26, 2023 Regular Meeting Minutes. (G. Calderon, City Secretary)

5. Discussion Items –

- a) Continued discussion regarding Historic District, review of Ordinance 2011-11-01, and planning a Historic District Workshop tentatively for August 28th at 5:30 p.m. (G. Calderon, City Secretary)
- b) Discuss the current Sign ordinance and Dark Skies ordinance and propose updates and amendments. (J. Laxton, Commissioner)
- c) Discuss updates on the tasked City Council objectives for 2023 and discuss the action plan going forward for each item.
 - I. Ordinance Review.
 - II. Updating the Zoning Map.
 - III. Comprehensive Zoning Plan. (On Hold).
 - IV. Historic District.
 - V. Control Growth of stores deemed detrimental to small economies. (G. Calderon, City Secretary)

6. Action Items –

7. Board Member Comments.

8. Adjourn.

CERTIFICATION

I, Geoffrey R. Calderon, hereby certify that this notice was posted at City Hall, a convenient and readily accessible place to the general public, and to the City website at www.cityofalpine.com pursuant to Section 551.043, Texas Government Code. The said notice was posted at 5:00 P.M. on July 19, 2023, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Office of the City Secretary at (432) 837-3301, option 1, or email city.secretary@cityofalpine.com for further information.


Geoffrey R. Calderon, City Secretary





**PLANNING & ZONING COMMISSION
MEETING AGENDA ITEM COVER MEMO
JULY 24, 2023**

APPROVAL OF MINUTES

Approval of minutes of previous Board Meeting –

- a) June 26, 2023, Regular Meeting Minutes. (G. Calderon, City Secretary)

BACKGROUND

- None

SUPPORTING MATERIALS

- June 26, 2023, Regular Meeting Minutes

STAFF RECOMMENDATION

APPROVE.

**CITY OF ALPINE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 26, 2023 - 5:30 P.M.
MINUTES**

- 1. Call to Order** – Abbey Branch, Vice-Chair of the Planning & Zoning Commission, called the meeting to order at 5:30 P.M. The meeting was held in City Council Chambers located at 803 West Holland Avenue, Alpine, Texas, 79830 and via Zoom video conference.

Commissioners Physically Present:

Richard Portillo, Place 1
Wendy Little, Place 2 – *Secretary*
Abbey Branch, 4 – *Vice-Chair*
Joanna Laxton, Place 5
Matthew Walter, Place 6
Eva Olivas, Place 7

Commissioners Not Present:

Place 3 - Vacant

City Staff Present:

Honorable Mayor Catherine Eaves
Megan Antrim, City Manager
Geoffrey R. Calderon, City Secretary
Andrew Devaney, Building Official
Jessica Boorse, Permit Technician

Commissioners Present via Zoom:

None.

- 2. Public Comments** – None.

3. Public Hearings –

- a) Public Hearing to obtain citizen views and comments regarding Replat 2023-07-01, a replat to allow the applicant, John Wagner c/o AMXS Land Development, LLC, to combine underlying lots into one to allow for development. The property in question is located on Holland Ave and 15th Street and legally described as the East Part of Lot One (1), Two (2), and Three (3), in Block Six (6), Thomas Turney Higgins addition, to the Town of Alpine, Brewster County, Texas. The Parcel ID of the subject property is R12876. The record property owner is Glenn Short. The current zoning classification of the subject property is C-2 Business District. If the replat is approved the zoning classification will remain C-2 business district.
- b) Approve Special Use Permit 2023-07-01, a Special Use Permit to allow the applicant, Alpine Independent School District, to establish a daycare center. The property in question is located at 704 W Sul Ross Avenue and legally described as Lots 6-10, Block 1, Gillis Addition to the City of Alpine. The Parcel ID of the subject property is R10450. The record property owner is Alpine ISD, in trust. The current zoning classification of the subject property is R-2 Two Family District. If the replat is approved the zoning classification will remain R-2 Two Family District.

4. Approval of minutes of previous Board Meeting –

- a) March 27, 2023 Regular Meeting Minutes. (G. Calderon, City Secretary)

On a motion by Commissioner Walter and seconded by Commissioner Olivas to approve the minutes, the Planning & Zoning Commission unanimously voted to adopt the motion.

5. Discussion Items –

- a) Discussion between Commissioners and City Staff regarding procedural items, questions, and/or recent Planning & Zoning related items. (G. Calderon, City Secretary)
- b) Continue the discussion regarding the creation of a Historic District. (A. Branch, Vice-Chair)
- c) Discuss signs that are in disrepair in town and discuss the possible options to mitigate these unsightly signs

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Approved: 07-24-2023

including updating the sign ordinance if needed. (A. Branch, Vice-Chair)

- d) Discuss abandoned and boarded-up properties and options to abate unsightly issues and improve beautification in these areas. (A. Branch, Vice-Chair)
- e) Discuss updates on Commissioner assignments of the tasked City Council objectives for 2023 and discuss the action plan going forward for each item.
 - I. Ordinance Review.
 - II. Updating the Zoning Map.
 - III. Comprehensive Zoning Plan. (On Hold).
 - IV. Historic District.
 - V. Control Growth of stores deemed detrimental to small economies.

(G. Calderon, City Secretary)

6. Action Items –

- a) Approve Replat 2023-07-01, a replat to allow the applicant, John Wagner c/o AMXS Land Development, LLC, to combine underlying lots into one to allow for development. The property in question is located on Holland Ave and 15th Street and legally described as the East Part of Lot One (1), Two (2), and Three (3), in Block Six (6), Thomas Turney Higgins addition, to the Town of Alpine, Brewster County, Texas. The Parcel ID of the subject property is R12876. The record property owner is Glenn Short. The current zoning classification of the subject property is C-2 Business District. If the replat is approved the zoning classification will remain C-2 business district. (G. Calderon, City Secretary)

On a motion by Commissioner Walter and seconded by Commissioner Olivas to approve, the Planning & Zoning Commission unanimously voted to oppose the motion and the motion was lost.

- b) Approve Special Use Permit 2023-07-01, a Special Use Permit to allow the applicant, Alpine Independent School District, to establish a daycare center. The property in question is located at 704 W Sul Ross Avenue and legally described as Lots 6-10, Block I, Gillis Addition to the City of Alpine. The Parcel ID of the subject property is R10450. The record property owner is Alpine ISD, in trust. The current zoning classification of the subject property is R-2 Two Family District. If the replat is approved the zoning classification will remain R-2 Two Family District. (G. Calderon, City Secretary)

On a motion by Commissioner Olivas and seconded by Commissioner Walter to approve, the Planning & Zoning Commission unanimously voted to adopt the motion.

- c) Appoint Chair of the Planning & Zoning Commission. (G. Calderon, City Secretary)

On a motion by Commissioner Olivas and seconded by Commissioner Laxton to appoint Abbey Branch as the Chair, the Planning & Zoning Commission unanimously voted to adopt the motion.

- d) Appoint other officers of the Planning & Zoning Commission as needed. (G. Calderon, City Secretary)

Commissioner Little moved to discuss with Commissioner Olivas seconding the motion.

On a motion by Commissioner Branch and seconded by Commissioner Olivas to amend the original motion to appoint Commissioner Walter as the Vice-Chair, the Planning & Zoning Commission unanimously voted to adopt the motion. The Planning & Zoning Commission subsequently unanimously voted to adopt the original motion as amended.

7. Board Member Comments.

On a motion by Commissioner Portillo and seconded by Commissioner Laxton to adjourn the regular meeting, the regular meeting was adjourned.

8. Adjourn (7:13 P.M.)

APPROVED:

Officer of the Planning & Zoning Commission

CERTIFICATION

I, Geoffrey R. Calderon, hereby certify that this notice was posted at City Hall, a convenient and readily accessible place to the general public, and to the City website at www.cityofalpine.com pursuant to Section 551.043, Texas Government Code. The said notice was posted at 5:00 P.M. on June 23, 2023, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Office of the City Secretary at (432) 837-3301, option 1, or email city.secretary@cityofalpine.com for further information.

Geoffrey R. Calderon, City Secretary



PLANNING & ZONING COMMISSION MEETING AGENDA ITEM COVER MEMO

JULY 24, 2023

DISCUSSION ITEMS

Discussion Items –

- a) Continued discussion regarding Historic District, review of Ordinance 2011-11-01, and planning a Historic District Workshop tentatively for August 28th at 5:30 p.m. (G. Calderon, City Secretary)
- b) Discuss the current Sign ordinance and Dark Skies ordinance and propose updates and amendments. (J. Laxton, Commissioner)
- c) Discuss updates on the tasked City Council objectives for 2023 and discuss the action plan going forward for each item.
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BACKGROUND

- None

SUPPORTING MATERIALS

1. Chapter 78 - SIGNS.
2. Chapter 18 - OUTDOOR LIGHTING

STAFF RECOMMENDATION

NONE.

Chapter 78 - SIGNS

Footnotes:

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Cross reference— *Buildings and building regulations, ch. 18; streets, sidewalks and other public places, ch. 86; subdivisions, app. B; zoning, app. C.*

State Law reference— *Regulation of signs by municipalities, V.T.C.A., Local Government Code ch. 216; outdoor advertising, V.T.C.A., Transportation Code § 391.031 et seq.*

Sec. 78-1. - 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:

Abandoned sign means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.

Administrator means the code administrator, code enforcement officer, committee or board so designated, or their representative.

Animated sign (see also and note difference from "Changeable sign") means a sign, or display, manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical or other means. Animated signs include the following types:

- (1) *Naturally energized sign* means a sign whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, banners, pennants, streamers, spinners, metallic disks or other similar devices designed to move in the wind.
- (2) *Mechanically energized sign* means a sign manifesting a repetitious preprogrammed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.
- (3) *Electrically energized sign* means an illuminated sign whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:
 - a. *Flashing sign* means an illuminated sign exhibiting a preprogrammed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as, or less than, the duration of the period of darkness (off phase), and which the intensity of illumination varies from zero (off) to 100 percent (on during the programmed cycle).
 - b.

Illusionary movement sign means an illuminated sign exhibiting the illusion of movement by means of a preprogrammed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating or expanding and contracting light patterns.

Area (see "Sign, area of").

Assembly or meeting room means a room or portion of a building used for gathering together of 50 or more persons for such purpose as deliberation, education, instruction, worship, entertainment or amusement.

Awning means a shelter projecting from, and supported by, the exterior wall of a building, constructed of nonrigid materials on a supporting framework (compare "Marquee").

Awning sign means a sign painted on, printed on or attached flat against the surface of an awning.

Back lit awning (see "Electric awning sign").

Banner sign means a sign made of fabric, or any nonrigid material, with no enclosing framework.

Billboard (see "Off-premises sign").

Blade sign (see "Ground sign").

Canopy, building, means a rigid multisided structure covered with fabric, metal or other material, and supported by a building at one or more points or extremities, and by columns or posts embedded in the ground at other points or extremities and may be illuminated by means of internal or external sources (compare "Marquee").

Canopy, freestanding, means a rigid multisided structure covered with fabric, metal or other material, and supported by columns or posts embedded in the ground and may be illuminated by means of internal or external sources.

Canopy sign means a sign affixed or applied to the exterior wall facing surface of a building or freestanding canopy.

Changeable sign means a sign whose informational content can be changed or altered by manual or electric, electro-mechanical or electronic means. Changeable signs include the following types:

- (1) *Manually activated* means signs that show alphabetic, pictographic or symbolic informational content and can be changed or altered by manual means.
- (2) *Electrically activated* means signs whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments and includes the following two types:

- a. *Fixed message electronic signs* means signs whose basic informational content has been preprogrammed to include only certain types of information projection, such as time, temperature, predictable traffic conditions or other events subject to prior programming.
- b. *Computer controlled variable message electronic signs* means signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

City means the City of Alpine and/or any jurisdiction of the city outside the city boundaries, unless the context clearly discloses a contrary intent.

Clear sight triangle means an area enclosed within an isosceles triangle having equal sides of 25 feet with the apex of the triangle at the point where two abutting streets meet.

Clearance (of a sign) means the smallest vertical distance between the grade of the adjacent street, highway or street curb and the lowest point of any sign, including framework and embellishments.

Construction sign means a temporary sign identifying an architect, project, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

Copy means the graphic content of a sign surface in either permanent or removable letter, pictograph, symbolic or alphabetic form.

Directional/information sign means an on-premises sign giving directions, instructions or facility information, and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. Informational signs may contain the name or logo provided that the name or logo may not comprise more than 30 percent of the total sign area, which is three square feet per sign.

Double-faced sign means a sign with two faces, essentially back-to-back.

Electric awning sign or *back lit awning* means an internally illuminated fixed space-frame structure with translucent, flexible, reinforced covering designed in awning form, and with graphics or copy applied to the visible surface of the awning.

Electrical sign means a sign or sign structure in which electrical wiring, connections or fixtures are used.

Electronic message center (see "Changeable sign, electrically activated").

Facade means the entire building front including the parapet.

Face of sign means the area of a sign on which the copy is placed.

Festoons means a string of ribbons, tinsel, tassels, small flags or pinwheels.

Flashing sign (see "Animated sign, electrically energized").

Freestanding sign means a sign supported permanently upon the ground by poles or braces and not attached to any building.

Frontage means the length of the property line of any one premises along a public right-of-way on which it borders.

Frontage, building, means the length of an outside building wall on a public right-of-way on which it borders.

Government sign means any temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction, or for designation of, or direction to any school, hospital, historical site or public service, property or facility.

Grade means the average elevation of the finished ground level at the center of all facades of a building.

Graphic design means any artistic design, portrayal or mural, painted directly on the exterior wall, fence, window or sculpture, or other structure which is visible from any public right-of-way, and which has its artistic purpose visible from any public right-of-way, which has its purpose and effect artistic and not the identification of the premises or the advertisement or promotion of the interest of any person or business. Such graphic design may be subject to a sign permit or building permit and review and approval by the building official or the code enforcement officer.

Ground sign or *blade sign* means a sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top. Height and setbacks are to be the same as for freestanding signs.

Height (of a sign) means the vertical distance measured from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street, or the surface grade beneath the sign, whichever is less (compare "Clearance").

Identification sign means a sign whose copy is limited to the name and address of a building, institution or person and/or activity or occupation being identified.

Illegal sign means a sign which does not meet requirements of this Code and which has not received legal nonconforming status.

Illuminated sign means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental sign means a small sign less than one square foot, emblem or decal informing the public of goods, facilities or services available on the premises, e.g., a credit card sign.

Lot means a parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record or survey map.

Low profile sign or *monument sign* means a sign mounted directly to the ground with maximum height not to exceed six feet.

Maintenance means the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Mansard means a sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee means a lettering changeable sign, not to exceed 24 square feet in size. This type of sign may also be known as a reader board.

Menu means a comparable list or assortment of offerings, either food items or merchandise.

Monument sign (see "Low profile sign").

Multiple-faced sign means a sign containing three or more faces, not necessarily in back-to-back configuration.

Nameplate means a nonelectric, on-premises identification sign giving only the name, address and/or occupation of an occupant or group of occupants.

Nonconforming sign means an illegal sign which does not comply with the sign ordinance or to the sign code requirements, but for which a special exception or variance has been issued.

Occupancy means the portion of a building or premises owned, leased, rented or otherwise occupied for a given use.

Off-premises sign or *billboard* means a sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which such sign is located, e.g., billboards or outdoor advertising.

Off-site directional sign means a sign which provides directional assistance to access an establishment conveniently and safely. Such signs shall be limited by the administrator in size, height and placement, as justified.

On-premises sign means a sign, the content of which is related to the premises on which it is located, referring exclusively to the name, location, product, persons, accommodations, services or activities of those premises, or the sale, lease or construction of those premises.

Owner means a person recorded as such on official records. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign, unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator.

Painted wall sign means any sign which is applied with paint, or similar substance, on the surface of the wall.

Parapet means the extension of a false front or wall above a roof line.

Person means any individual, corporation, association, firm, partnership or similarly defined interest.

Point of purchase display means advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser, tire display, etc.

Pole cover means a cover enclosing or decorating poles or other structural supports of a sign.

Political sign means a temporary sign used in connection with a local, state or national election or referendum.

Portable sign means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Portal means a covered structure forming an entrance to a building outside and with a separate roof, or as a recess in the interior as a kind of vestibule.

Premises means a parcel of land with its appurtenances and buildings which, because of its use, may be regarded as the smallest conveyable unit of real estate, and any tract that has been surveyed and delineated by a legal description, and the property upon which the business is located.

Projecting sign means a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Real estate sign means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

Roof line means the top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys or minor projections.

Roof sign means any sign erected over, or on top of, a building (compare "Mansard," or "Sign, wall").

Rotating sign (see "Animated sign, mechanically energized").

Sign means any device, fixture, placard or structure that uses any color, forms, graphic, illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public, except for the following:

- (1) Nonilluminated names of buildings, dates of erection, monument citations, commemorative tables and the like, when carved into stone, concrete, metal or any other permanent type of construction and made an integral part of a permitted structure, or made flush to the ground.
- (2) Signs required by law or signs of a duly constituted governmental body.
- (3) Signs placed by a public utility for safety, welfare or convenience of the public such as signs identifying high voltage, public telephone or underground cables.
- (4) Signs upon a vehicle; provided, any such vehicle with a sign face over two square feet is not conspicuously parked as to constitute a sign.
- (5) Temporary holiday decorations.

Sign, area of, means:

- (1) *Projecting and freestanding sign.* The area of a freestanding or projecting sign shall have only one side of any double-faced sign counted in calculating its area. The area of the sign shall be measured as a rectilinear line of not more than eight sides drawn around and enclosing the perimeter of each cabinet or module. The area shall then be summed and totaled to determine total area. The perimeter of the measurable area shall not include embellishments such as pole covers, framing, decorative roofing, support structures, etc.; provided, there is no written advertising copy on such embellishments.
- (2) *Wall sign.* The area of a wall sign shall be with a single, continuous perimeter composed of any rectilinear line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols, using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area of the smallest rectangle within the perimeter of the signage. The combined areas of the individual figures shall be considered the total sign area.

Sign, canopy, means any sign which is mounted to, and supported by, a permanent canopy, arcade or portal, the ceiling of which is no more than 16 feet above grade.

Sign, joint identification, means a sign whose area is shared by three or more businesses.

Sign, projecting, means any sign with no more than two faces supported by a building wall and projecting from such building wall.

Sign, wall, means any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cutout letters and devices affixed to the building wall with no background or border defined on the building wall.

Snipe sign means a sign not constructed or intended for long-term use.

Subdivision identification sign means a freestanding sign, or wall sign, identifying a recognized subdivision, condominium complex or residential development.

Temporary sign means a sign not constructed or intended for long-term use.

Under-canopy sign means a sign suspended beneath a canopy, ceiling, roof or marquee.

Use means the purpose for which a building, lot, sign or structure is intended, designed, occupied or maintained.

V sign means a sign consisting of two essentially equal faces, positioned at an angle subtending less than 179 degrees.

Value means replacement costs, including any amount owed on a sign.

Window sign means any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window, or upon the window panes or glass, and is visible from the exterior of the window.

(Code 1978, § 21.5-1)

Cross reference— Definitions generally, § 1-2.

Sec. 78-2. - Permits.

It shall be unlawful for any person to erect, alter or relocate, within the jurisdiction and extraterritorial jurisdiction of the city, any sign without first obtaining a permit and making payment of fees.

- (1) *Required.* Permits shall be required for the following types of new or temporary signs:
 - a. All signs having an area greater than six square feet.
 - b. All illuminated signs.
 - c. All signs with moving elements.
 - d. All signs over a public right-of-way.
 - e. All temporary signs that are portable, wheeled or footed.
 - f. All off-premises signs, except temporary real estate, political and contractor signs.
- (2) *Applications.* Permit applications shall contain the following:
 - a. Signature of applicant.
 - b. Name and address of sign owner.
 - c. Name and address of person erecting the sign.
 - d. Location of the building or lot to which or upon which the sign is to be attached or erected.
 - e. Drawings or description showing the design and dimensions of the sign.
 - f. Drawing or detailed description showing the site plan or building facade.
 - g. Written consent of the owner of the building, structure or land to which, or on which, the sign is to be erected.
- (3) *Fee.* Fifty cents per square foot of the sign face with a \$50.00 maximum.
- (4) *Permit exceptions.*
 - a. Replacing or updating copy.
 - b. General maintenance to any sign should not require a permit.
- (5) *Variances.* The planning and zoning commission shall have authority and power to grant variances of this chapter in a duly conducted public hearing. The commission shall also have the power to recommend extensions of time to comply.

- a. When requesting a permit, the applicant may apply to the planning and zoning commission through the administrator for a variance from certain requirements of this chapter.
- b. There will be a \$20.00 application fee on request for a variance.
- c. The granting of a variance would not be contrary to the general objectives of this Code and any land use plan.
- d. In granting a variance, the administrator may attach additional requirements necessary to carry out the spirit and purpose of this chapter in the public interest.
- e. Written notice shall be given to adjoining and other property owners of a hearing on request for a variance, and shall be given pursuant to the procedures set forth by the codes set forth by the city.
- f. The planning and zoning commission shall either grant or deny the variance or extension requested. Any party aggrieved by the decision of the planning and zoning commission may appeal within ten days to the city council by filing an appeal with the city clerk.

(Code 1978, § 21.5-2)

Sec. 78-3. - General regulations.

- (a) *Prohibited signs in all zones.* The following prohibited signs shall be removed or brought into compliance:
 - (1) Signs, or any part of a sign, that might contribute to confusion of traffic control, or imitating signs or devices for control of traffic or railroad.
 - (2) Rotating or oscillating beacons of light, or strobe lights.
 - (3) Freestanding signs with overhead wiring to supply electric or support cables.
 - (4) Temporary signs for any period over seven days. Temporary signs may be renewed eight times per year.
 - (5) Canopy signs or hanging signs, the bottom of which are less than seven feet above grade.
 - (6) Freestanding signs whose top exceeds 30 feet above grade.
 - (7) Any sign, or part thereof, erected or constructed wholly upon or over the roof of any building that is visible from any grade of street level.
 - (8) Any wall sign, or part thereof, that projects more than 12 inches from the building wall at a height lower than ten feet.
 - (9) Signs (except wall signs) in a clear sight triangle.
 - (10) Any sign, or part thereof, that contains any audible devices.
 - (11)

Any sign, or part thereof, that is partially or wholly illuminated by floodlights or spotlights, unless such lights are used for indirect lighting, and the illumination is shielded as not to be directly visible from the public right-of-way, or to a residential area that may be within 40 feet distant.

(12) Any sign that is in obvious poor repair as determined by the code enforcement officer or agency representative, which decision may be appealed to the planning and zoning commission.

(13) Any sign attached to trees, fences, utility poles or street furniture, which is in the public right-of-way.

(b) *Exempt signs.* The following exempt signs shall not require a permit or payment of fee:

(1) Construction signs. One sign shall be permitted for all building contractors, all professional firms and all lending institutions on premises under construction. Such signs shall be confined to the site of construction and shall be removed within 14 days of the beginning of the occupancy of the project.

(2) Real estate signs. One temporary sign located on the property it refers to for each street frontage. In residential zones, the signs shall not exceed four square feet. An additional sign with the word "sold" or "leased" may be added but not to exceed one-half of the size of the original real estate sign. In nonresidential zones, the signs shall not exceed 16 square feet and be over five feet in height.

(3) Advertising for community or civic events, flags or emblems or civic, philanthropic, educational or religious organizations, maintained for a temporary period not in excess of one month.

(4) Temporary directional signs not exceeding three square feet in area placed on private property may be permitted on approach routes to a real estate open house, garage sale, benefit sale or car wash.

(5) Official national, state, city or school flags for any period of time.

(6) Street banners and holiday decorations may be displayed during appropriate season or event.

(7) Residential name signs and/or address signs not exceeding 1.5 square feet.

(8) Private traffic directional signs which are necessary for and function only to direct traffic movement on, off of or within a premises, shall be allowed without limit as to number. Maximum size shall not exceed six square feet. Such signs shall not contain commercial advertising.

(9) Nameplates on mailboxes.

(10) Religious emblems that are located on the premises of the religious institution.

(11) Window signs, show cards and bulletins, as long as such signs are not illuminated.

- (12) Memorial signs or historic markers.
 - (13) Signs required by law.
 - (14) Street banners owned and maintained by the city.
- (c) *Fee exempt signs.* The following fee exempt signs shall require a permit, but any applicable fees shall be waived:
- (1) Murals or wall art which contain no commercial message.
 - (2) Gasoline price signs. Service stations shall be permitted one double-faced, on-site sign not to exceed 12 square feet per face, and five feet in height, advertising the price of gasoline. Such signs shall not contain any advertisement other than brand name.
 - (3) One permanent identification sign setting forth the name of a center, civic, religious, educational, charitable, public or quasi-public institution, shall be permitted in accordance with the requirements of the zone in which the sign is placed.
 - (4) A single permit shall be required for the placement of temporary political signs. Such signs shall be placed only with the consent of the owner of the property on which they are posted. Such signs may be erected no earlier than 90 days prior to any primary or general election. They shall be removed within 14 days after the election to which the sign pertains. The candidate for whom the sign advertises, or the candidate's duly responsible agent, shall bear the responsibility for removal of such sign.
 - (5) One bulletin board or changeable public notice sign, not over 32 square feet and seven feet in height, for public, charitable or religious institutions, when the bulletin board or changeable public notice sign is located on the premises of such institution.
- (d) *R-3 zones, apartments.*
- (1) Signs permissible in the R-3 district include nameplates not exceeding two square feet in area.
 - (2) An apartment premises with five to 24 dwelling units may have wall signs identifying the apartments, provided the sign on any facade does not exceed 32 square feet.
 - (3) An apartment premises with more than 24 units may have wall signs identifying the apartments, provided the total number of square feet per facade does not exceed 100 square feet.
 - (4) Each premises may have one freestanding sign per each 750 feet of public street frontage. No freestanding sign shall be more than 12 feet in height.
- (e) *R-1, R-2, R-4 zoned residential areas.*
- (1) No portion of an illuminated sign shall have a luminance greater than provided by a 100 watt bulb.
 - (2) No sign, or part of a sign, shall move, flash or rotate.

- (3) No more than one sign per premises shall be illuminated.
 - (4) Any and all illuminated signs within 40 feet of residential zones, must use shielding for the source of lighting in such manner that will prevent glare or light from the source from shining directly into or toward the residential area.
 - (5) One unlighted sign, which shall not exceed one square foot in area, indicating the name of the occupant or occupation of a customary home occupation, provided the sign is attached flat to the building.
 - (6) One sign, which shall not exceed 15 square feet in area, for church or school.
 - (7) One sign, which shall not exceed four square feet in area, for temporary unlighted sign pertaining to the lease, hire or sale of building or property upon which it is located; provided, the sign is immediately removed upon the lease, hire or sale of such building or property.
 - (8) One unlighted temporary political sign which shall not exceed 32 square feet in area.
- (f) *Nonresidential regulations.* The additional provisions of this subsection apply to all signs not in a residential zone or within 40 feet of a residential zone.
- (1) *Height.*
 - a. Height of a freestanding sign shall not exceed 30 feet above grade.
 - b. Height of a building mounted sign or projecting sign shall not exceed 40 feet above grade.
 - (2) *Size.*
 - a. Size of a freestanding or projecting sign shall not exceed 100 square feet.
 - b. Size of a building mounted sign, except a projecting sign, shall not exceed 15 percent of the area of the facade to which they are applied.
 - c. Canopy signs shall not extend beyond the sides or edges of the canopy.
 - (3) *Number.*
 - a. Wall signs shall be limited to four per facade.
 - b. One freestanding sign shall be permitted for each 100 feet of street frontage.
 - c. One projecting sign shall be permitted for each premises, provided it is oriented to the primary entrance, or entrance frontage.
 - d. One marquee sign shall be permitted for each street frontage.
 - e. One perpendicular canopy sign every 15 feet shall be permitted for each premises.
 - (4) *Location.*
 - a. No off-premises sign shall be nearer than 150 feet to any other off-premises sign.
 - b. Flush mounted wall mounted signs may protrude up to one foot into the public right-of-way, granted the bottom of such sign is at least ten feet from the grade.
 - c.

Building mounted signs extending above the roof shall be permitted only if they are a continuation of the plane of the facade. No roof mounted signs will be permitted.

d. Signs painted on the roof of any building shall be permitted as long as they are not visible from any plane of pedestrian or vehicular traffic.

(5) *Illuminance near residential zones.* Any and all illuminated signs within 40 feet of residential zones must use shielding for the source of lighting in such manner that will prevent glare or illumination from the source from shining directly into or toward the adjacent residential area.

(g) *General illumination and design.*

(1) No single light bulb used to indicate time or temperature shall have a rating greater than 40 watts.

(2) No portion of an illuminated sign, apart from the light bulbs used to indicate time or temperature, shall have a luminance greater than that provided by a 150-watt bulb.

(3) Separate light sources aimed at a sign, and not intended as general illumination, shall not have a wattage greater than 150 watts.

(4) All new internally lit signs erected shall have their faces recessed within a decorative trim a minimum of two inches.

(5) All freestanding signs over 12 feet in height, shall have a base, i.e., planter box, wall, banco, trees, bushes or other landscaping material, as long as it does not create a hazard, which shall be compatible in color and design of the building which it advertises.

(6) All signs shall be constructed to withstand a wind velocity of not less than 75 miles per hour.

(Code 1978, § 21.5-3)

Sec. 78-4. - Right of inspection.

The administrator, code enforcement officer or agency representative, shall have the right to inspect all signs in the city for the purpose of ascertaining whether they are safe, secure, in need of repair or conforming to this chapter.

(Code 1978, § 21.5-4)

Sec. 78-5. - Enforcement.

(a) *Compliance.*

(1) If the code enforcement officer or agency representative finds that any sign is unsafe or a hazard to the public, or has been erected or is being maintained in violation of this chapter, he shall give written notice to the permittee or owner of the property on which the sign is erected. If the permittee or owner fails to remove or alter the sign so as to comply with this

chapter within ten days after mailing of such notice, such sign may be removed by the city; and the permittee or owner shall bear the expense of such removal. No person refusing to pay the costs assigned, shall be issued a sign permit. If a sign is an immediate peril to persons or property, the code enforcement officer or agency representative may cause such sign to be removed summarily and without notice.

- (2) An abandoned sign, which no longer advertises a bona fide, ongoing business or a product sold, shall be subject to the rules and enforcement action as outlined in subsection (1) of this section.
- (3) The exception to this chapter is historic signs. Any sign which can be shown to exist at least 45 years ago, even if nonconforming today, may be kept in place and used in its historical context.
 - a. Historic signs must be maintained and be structurally sound.
 - b. Electrical elements of historic signs, if used, must meet requirements of the National Electrical Code and any city electrical codes that may apply.
- (b) *Penalties for violation.* Any person violating any provisions of this chapter, shall be deemed guilty of a petty misdemeanor, and upon conviction thereof, shall be punished as provided in section 1-11. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as provided in section 1-11.

(Code 1978, § 21.5-5)

Sec. 78-6. - Applicability and enforcement in city's extraterritorial jurisdiction.

The sections and provisions of this chapter shall extend and be enforced within the area of the city's extraterritorial jurisdiction, as provided by V.T.C.A., Local Government Code § 216.902.

(Code 1978, § 21.5-6)

ARTICLE VIII. - OUTDOOR LIGHTING

Footnotes:

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Editor's note— Ord. No. 2021-05-01, § I(Exh. A), adopted July 6, 2021, repealed former art. VII, §§ 18-231—18-240, and enacted a new art. VII as set out herein and later amended. Former art. VII pertained to similar subject matter and derived from Ord. No. 2010-06-01, adopted Sept. 7, 2010.

Note— Formerly art. VII, see editor's note for art. V.

Sec. 18-231. - Title, purpose and scope.

- (a) This article shall be known and cited as the "Outdoor Lighting Ordinance."
- (b) The purpose of this article is:
 - (1) To reduce glare and improve nighttime visibility which contributes to safer, more secure, and attractive outdoor living spaces.
 - (2) To encourage efficient, controlled lighting that conserves energy.
 - (3) To make our community a better place to live and work and a more inviting place for tourist to visit.
 - (4) To protect properties from light trespass.
 - (5) To preserve our heritage of a clear, dark night sky.
 - (6) To be mindful of the needs of McDonald Observatory for minimal artificial light at night to conduct ongoing astronomical research; and
 - (7) To position the city to apply for a designation as an International Dark Sky Community.
 - (8) To encourage and demonstrate the use of best outdoor lighting practices. Exhibit 2 of section 18-240 provides an illustration of best outdoor lighting practices.
- (c) Scope (what the state allows).
 - (1) This article shall apply within the city limits, hereinafter referred to as "city."
 - (2) Nothing herein shall be construed as preventing or limiting the city from applying this article within the surrounding areas where the city asserts powers of extraterritorial jurisdiction through agreements with property owners, or as a term affixed to a conditional approval (such as a variance).

(Ord. No. 2021-05-01, § I(Exh. A), 7-6-21)

Sec. 18-232. - Definitions.

The following definitions are hereby adopted for the purposes of this article.

Adaptive controls mean mechanical or electronic devices, when used in the context of outdoor lighting systems, intended to actively regulate the switching, duration, and/or intensity of light emitted by the outdoor lighting system. Examples of adaptive controls include timers, dimmers and motion-sensing switches.

Beam of a light fixture means the spatial distribution of the emitted light.

- (1) Floodlight means a light fixture having a wide beam.
- (2) Spotlight means a light fixture having a narrow beam.
- (3) Searchlight means a light fixture with a narrow beam intended to be seen in the sky.

Correlated color temperature (CCT) means a measure of the color properties of light emitted by lamps, being equal to the temperature, expressed in Kelvins (K). CCT values are typically provided on lighting manufacturer packaging or data sheets.

Decorative holiday lighting means low-intensity string lights, whose luminous output does not exceed 50 lumens per linear foot, and fully shielded floodlights, whose luminous output does not exceed 1,000 lumens and which are aimed and oriented in such a way as to not create light trespass onto another property nor into the night sky, operated only during prescribed periods of time during the calendar year.

Electronic message display means any illuminated sign of an informative or advertising nature, whether on-or off-premises, and operable at night, whose content is made visible to the viewer by means of luminous elements under active electronic control and therefore subject to alteration in order to vary the content of the message. Electronic displays may be either static or dynamic in terms of light color and intensity. Exhibit 5 of section 18-240 is a sample educational illustration about internally lit message displays.

Existing light fixtures means those outdoor light fixtures already installed at the time this article is adopted.

Fully shielded means an outdoor luminaire constructed so that in its installed position, all of the light emitted from the light fixture is projected below the horizontal plane passing through the lowest light-emitting part of the fixture. Exhibit 4 of section 18-240 provides examples of properly shielded light fixtures.

Glare means visual discomfort or impairment caused by a bright source of light in a direction near one's line of sight.

Greenhouse means any building that is constructed of glass, plastic, or other transparent material in which plants are grown under climate-controlled conditions and includes hoop houses and other similar structures.

Illuminance means the intensity of light in a specified direction measured at a specific point.

Light source means a light emitting portion of the luminaire and any diffusing elements and surfaces intended to reflect or refract light emitted from the lamp individually or collectively, for example, a lamp, bulb, lens, highly reflective surface, or frosted glass.

Light pollution means the unintended, adverse and /or obtrusive effect of the use of outdoor light at night.

Light trespass means light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eyes, or upwards toward the sky. If the light source is visible from another property or the public roadway, the light is creating light trespass. It is expected that the illumination produced by a light source may be viewed from other properties but the light source itself should not be visible from other properties. Exhibit 3 of [section 18-240](#) is a sample educational illustration about light trespass.

Lumen means the unit of measurement used to quantify the amount of light produced by a bulb or emitted from a light source. Lumen values are typically provided on lighting manufacturer packaging or data sheets. For the purposes of this article, unless otherwise stated, the lumen output values shall be the initial lumen output ratings as defined by the manufacturer, multiplied by the lamp efficiency. Lamp efficiency of 95 percent shall be used for all solid-state lamps and 80 percent for all other lamps, unless an alternate efficiency rating is supplied by the manufacturer.

Lumens per net acre means the total outdoor light output, as defined in this article, divided by the number of acres, or part of an acre with outdoor illumination. Undeveloped, non-illuminated portions of the property may not be included in the net acreage calculation.

Luminaire means a complete lighting assembly or lighting fixture, consisting of a lamp, housing, optic(s), and other structural elements, but not including any mounting pole or surface.

Luminance is a measure of light emitted by or from a surface.

Nit is the standard unit of measure of luminance used for internally illuminated signs, digital signs, or electronic message displays.

Nonconforming means not conforming to the current ordinance.

Nonconforming outdoor lighting is lighting that was legally installed before the enactment of this article, that does not conform with the standards set forth in this article.

Outdoor lighting means temporary or permanent lighting that is installed, located, or used in such a manner to cause light rays to shine outdoors.

- (1) Nonresidential fixtures that are installed indoors that cause light rays to shine outside are considered outdoor lighting for the intent of this article. See exhibit 1 of [section 18-240](#) for an illustration of this type of situation.

- (2) Residential fixtures installed indoors generating more than 3,800 lumens (approximately equal to a 300-watt incandescent bulb) that cause light to shine outside are also considered outdoor lighting for the intent of this article. All of the lighting that illuminates the translucent portion of a greenhouse or solarium, including roofing material, is considered outdoor lighting for the intent of this article. Exhibit 1 of section 18-240 illustrates an example of indoor/outdoor lighting.

Private lighting means outdoor light fixtures that are owned or leased or operated or maintained or controlled by individual persons, including but not limited to families, partnerships, corporations, and other entities engaged in the conduct of business or other non- governmental activities.

Public lighting means outdoor light fixtures that are owned or leased or operated or maintained or controlled by the city or other governmental entity or entities completely or partly funded by grants obtained by the city or its agents from federal, state or private sources. The light fixtures are normally located on, but are not limited to, streets, highways, alleys, easements, parking lots, parks, playing fields, schools, institutions of higher learning, and meeting places.

Sag-lens or drop-lens fixture means a fixture, typically seen on older streetlights or parking lot lights, where the lens extends below the lowest opaque part of the fixture such that light is scattered above the horizontal plane.

Shielding is made of opaque material through which light does not escape.

Temporary lighting means non-permanent lighting installations installed and operated for a duration not to exceed 30 days.

Total outdoor light output means the total amount of light, measured in lumens, from all outdoor light fixtures within the illuminated area of a property. The lumen value to be used in the calculation is the lumen value as defined in this article. To compute the total, add the lumen outputs attributed to each light fixture together.

Warranting is the process used by the city to determine whether lighting is required. Such warranting process shall not assume the need for any lighting nor for continuous lighting unless conditions warrant the need. Lighting shall only be installed where warranted.

(Ord. No. 2021-05-01, § I(Exh. A), 7-6-21)

Sec. 18-233. - Existing outdoor light fixtures.

- (a) All existing outdoor lighting that was legally installed before the enactment of this article, that does not conform with the standards specified by this article shall be considered nonconforming. Nonconforming outdoor lighting will be required to be replaced within five years pursuant to the terms of this article.

- (b) If more than 50 percent of the total appraised value of a structure (as determined from the records of the county's appraisal district), has been destroyed, the nonconforming status expires, and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.
- (c) Existing outdoor light fixtures that are nonconforming shall be brought into conformance with this article as follows:
 - (1) *Nonresidential application.* All existing outdoor lighting located on a subject property that is part of an application for a rezoning application, conditional use permit, subdivision approval, or a building permit for a major addition is required to be brought into conformance with this article before final inspection, issuance of a certificate of occupancy, or final plat recordation, when applicable.
 - a. For the following permits issued by the city, the applicant shall have a maximum of 90 days from date of permit issuance to bring the lighting into conformance: site development permit, sign permit for an externally or internally illuminated outdoor sign, initial alcoholic beverage permit, initial food establishment permit, and on-site sewage facility permit.
 - (2) *Residential addition or remodel.* Nothing herein shall be construed to terminate a residential property's nonconforming status as a result of an addition or remodel. However, all outdoor residential lighting that is affixed to a construction project requiring a building permit is required to conform the standards established by this article.
- (d) Any currently "grandfathered" or lighting allowed by a variance, will be subject to this article in five years unless a trigger causes it to be subject to this article at an earlier date.
- (e) Additions, modifications or alterations.
 - (1) Major additions.
 - a. If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be:
 - 1. Additions of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this article.
 - (2) Single or cumulative additions, modification or replacement of 25 percent or more of installed outdoor lighting luminaires existing as of the effective date of this article.
 - (3) Minor modifications or alterations and new lighting fixtures for non-residential and multiple dwellings.
 - a.

All additions, modifications, or replacement of more than 25 percent of outdoor lighting fixtures existing as of the effective date of this article shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting.

(f) Outdoor lighting on any property that is not in conformance with this article shall be brought into conformance with this article within five years from the date of adoption of this article.

(g) New uses or structures or change of use.

(1) All new construction and/or new luminaries installed (including replacements for existing fixtures) shall comply after the adoption of this article.

(2) Whenever there is a new use of a property (zoning or variance change), or the use on the property is changed, all outdoor lighting on the property shall be brought into compliance with this article before the new or changed use commences.

(3) Any new lighting shall meet the requirements of this article.

(h) Abandonment of nonconforming.

(1) A nonconforming structure shall be deemed abandoned if the structure remains vacant for a continuous period of six months. In that instance, the nonconforming status expires, and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.

(2) It is unlawful to expand, repair or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.

(3) Outdoor lighting on any property that is not in conformance with this article shall be brought into conformance with this article within five years from the date of adoption of this article.

(4) All new construction and/or new luminaires installed (including replacements for existing fixtures) shall comply after the adoption of this article.

(i) Amortization.

(1) On or before [amortization date -phase out], all outdoor lighting shall comply with this Code.

(2) Amortization extension.

a. Residential property owners may make a request to the city for an amortization extension of up to a maximum of ten years from the date a nonconforming fixture was installed provided that the fixture was compliant with existing city ordinances at the time it was installed, and that date of installation can be substantiated via documents, date stamped photographs, etc. or, at the prerogative of the city manager, corroborative written statements.

(3) Amortization (phase out) extensions to the date at which outdoor lighting shall conform with this article shall be on a per fixture basis with the following requirements:

- a. The light fixture must be documented to cost at least \$100.00 when originally purchased.
- b. The fixture cannot be brought into compliance by changing the bulb or lighting element or installing shielding.
- c. If the bulbs or other lighting elements of the fixture require replacement during the amortization period, the replacement bulbs or lighting elements shall not be rated in excess of 2700 Kelvin.

(Ord. No. 2021-05-01, § I(Exh. A), 7-6-21)

Sec. 18-234. - General provisions.

(a) *Shielding.*

- (1) Unless exempted elsewhere in this article, all outdoor lighting shall be fully shielded.
- (2) When the light source is on and is visible from a distance of four times or more than the mounting height of the fixture, it is nonconforming.
- (3) New streetlights shall be full cutoff fixtures (fully shielded) of approved historical design, utilizing a minimum output consistent with the safety of drivers and pedestrians.
- (4) Mounting height or topography or proximity to other properties may cause public or private outdoor light fixtures to require additional shielding to prevent glare or an unsafe condition on properties other than the one on which it is installed.
- (5) All of the lighting that illuminates the translucent portion of a greenhouse or solarium must be shielded so that no direct light shines outside of the structure and no more than four percent of the reflected or refracted illumination is allowed to escape outside the structure.
- (6) Outdoor light fixtures with a maximum output of 200 lumens per fixture, regardless of the number of bulbs, may be left unshielded provided the source of the light is not visible from any other property and the fixture conforms to all other stipulations of this article. The output from these fixtures shall not exceed ten percent of the lumens per net acre allowed by this article.
- (7) See examples in section 18-240 exhibit 4.

(b) *Light trespass is prohibited.* No luminaire installed within city limits, except government owned streetlights, shall create conditions of light trespass.

- (1) Government owned streetlights may only create light trespass below it within 100 feet of its installed location.
- (2) All outdoor lighting except government owned street lighting shall be shielded so that the light source shall not be visible from any other property.
- (3)

Light trespass means light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eyes, or upwards toward the sky.

- (4) If the light source is visible from another property or the public roadway, the light is creating light trespass.
- (5) It is expected that the illumination produced by a light source may be viewed from other properties but the light source itself should not be visible from other properties.
- (6) Upon receiving a complaint of light trespass from an owner or occupant, the city will evaluate the complaint. Where light trespass is found to occur, the city will take appropriate steps to eliminate or minimize the unwanted light emanating from a light on city property, or from private lighting. If a violation is found to occur the offender may switch to a lower wattage bulb or convert to FCO fixtures to become compliant.
- (7) Exhibit 3 of section 18-240 is a sample educational illustration about light trespass.

(c) *Outdoor sports facilities.*

- (1) Lighting at public and private outdoor sports facilities, including but not limited to playing fields, arenas, tracks, and swimming pools, will be shielded to the greatest practical extent to reduce glare, safety hazards, light trespass, and light pollution.
- (2) Lighting will provide levels of illuminance that are adjustable according to task, allowing for illuminating levels not to exceed nationally recognized Illuminating Engineering Society of North America (IESNA) standards according to the appropriate class of play, as well as for lower output during other times, such as when field maintenance is being actively performed; and
- (3) Lighting shall be provided exclusively for illumination of the surface of play and adjacent viewing stands, and not for any other application, such as lighting a parking lot; and
- (4) Lighting must be extinguished by 11:00 p.m. or within one hour of the end of active play. The outdoor sports facility lighting shall be fitted with mechanical or electronic timers to prevent lights from being left on accidentally overnight.
- (5) Outdoor sports facility lighting will be exempted from the other regulations of this article if its design and installation, as certified by a professional engineer (PE) licensed in the State of Texas, adheres to the version of the International Dark-Sky Association's Criteria for Community-Friendly Outdoor Sports Lighting operative at the time when the construction permit is submitted to the city for review.

(d) *Towers.*

- (1) No lighting of towers and associated facilities is allowed, except by permit, and except as required by the Federal Aviation Administration or other federal or state agency.

- (2) In coordination with the applicable federal or state agency, the applicant shall determine the maximum height of the tower that would not require lighting.
 - (3) If a proposed tower would require lighting, the applicant shall demonstrate that a tower height that requires lighting is necessary.
 - (4) Such justification shall include documentation showing:
 - a. Coverage limitations.
 - b. Type of system (e.g. cellular, radio, television).
 - c. Technical and engineering details of the lighting to be installed; and
 - d. Requirements of federal, state, and local agencies.
 - (5) If a tower height that requires lighting is justified, the applicant shall demonstrate how the lighting will be shielded from the ground.
 - (6) Shielding of tower lighting onto nearby properties shall be installed as part of construction of the tower.
 - (7) If lighting is justified, slowly blinking red lights must be used at night.
 - (8) White strobe lights at night are prohibited (this needs clarification if ok to use during the daylight hours).
 - (9) All outdoor lighting fixtures shall be full cutoff fixtures (see exhibit 3 of section 18-240).
- (e) *Streetlighting.*
- (1) New streetlights shall be full cutoff fixtures of approved historical design, utilizing a minimum output consistent with the safety of drivers and pedestrians.
 - (2) Sag-lens or drop lens fixtures are prohibited.
 - (3) Streetlights and private lighting shall be allowed to shine on adjacent property in the absence of a complaint of light trespass by an owner or occupant.
 - (4) Light trespass means light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eyes, or upwards toward the sky. If the light source from another property or the public roadway, the light is creating light trespass. It is expected that the illumination produced by a light source may be viewed from other properties but the light source itself should not be visible from other properties. Exhibit 3 of section 18-240 is a sample educational illustration about light trespass.
 - (5) Upon receiving a complaint of light trespass from an owner or occupant, the city will evaluate the complaint. Where light trespass is found to occur, the city will take appropriate steps to eliminate or minimize the unwanted light emanating from a light on city property, or from private lighting. If a violation is found to occur the offender may switch to a lower wattage bulb or convert to FCO fixtures to become compliant.

- (6) In the interest of conserving energy and protecting the environment, mercury vapor fixtures are prohibited.

(f) *Color temperature.*

- (1) The correlated color temperature (CCT) of luminaries shall not exceed 2700 Kelvins.
- (2) Luminaries rated below 2500 Kelvin are encouraged for better nighttime visibility.

(g) *Service station canopies and other building overhangs.*

- (1) All luminaires mounted on or recessed into the lower surface of service station canopies or other overhangs shall be fully shielded and utilize only flat lenses or windows.
- (2) Shielding must be provided by the luminaire itself, and not by surrounding structures such as canopy edges.
- (3) Light directed on service station pumps may be angled to illuminate the pump to the level of federal standards and to shield the light from normal view.

(h) *General curfew.*

- (1) In all nonresidential zones:
 - a. All privately owned exterior lighting not adaptively controlled shall be extinguished by 11:00 p.m. or within one hour of the end of normal business hours, whichever occurs later.
 - b. Exterior lighting with adaptive controls shall reduce lighting to 25 percent or less of the total outdoor light output allowed by 11:00 p.m. or within one hour of the end of normal business hours, whichever occurs later. Adaptive controls may be used to activate lights and resume normal light output when motion is detected and be reduced back to 25 percent or less of total outdoor light output allowed within five minutes after activation has ceased, and the light shall not be triggered by activity off property.
 - c. Businesses whose normal operating hours are 24 hours per day are exempt from this provision.
 - d. All publicly owned lighting not adaptively controlled must be fully extinguished by 11:00 p.m., or within one hour of the end of occupancy of the structure or area to be lit, whichever is later.
 - e. All outdoor lighting is encouraged to be turned off when no one is present to use the light.

(i) *Lumen caps.*

- (1) The lumen per net acre value is an upper limit and not a design goal; design goals should be the lowest level that meets the requirement of the task.
- (2) Lumen per net acre values exclude governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities.

- (3) Nonresidential property. Total outdoor light output installed on any nonresidential property shall not exceed 50,000 lumens per net acre in any contiguous illuminated area.
- (4) Residential property. Total outdoor light output installed on any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.

(j) *Adaptive controls.*

- (1) All new publicly owned lights, including streetlights, will incorporate adaptive controls (e.g. timers, motion-sensors, and light-sensitive switches) to actively regulate the emission of light from light fixtures such that the lighting of areas is restricted to times, places and amounts required for safe occupancy.

(k) *Flagpoles.*

- (1) Property owners are encouraged to not illuminate flagpoles at night, but rather to hoist flags after dawn and lower flags before sunset.
- (2) If flags are illuminated at night, lighting is permitted with the following conditions:
 - a. Flagpoles with a height greater than 20 feet above ground level shall be illuminated only from above. The total light output from any luminaire mounted on top of or above a flagpole shall not exceed 800 lumens.
 - b. Flagpoles with a height equal to or less than 20 feet above ground level may be illuminated from below with up to two spotlight type luminaires emitting no more than 1,000 lumens, utilizing shields to reduce glare and prevent excessive light from shining around the intended target of illumination (the flag).
 - c. Luminaires are to be mounted so that their lenses are perpendicular to the flagpole and the light output points directly toward the flag(s).

(l) *Prohibitions.*

- (1) The use of the following types of outdoor lighting are prohibited, except as specifically exempted here or elsewhere in this article:
 - a. Sag-lens or drop lens fixtures are prohibited. Sag-lens or drop-lens fixture means a fixture, typically seen on older streetlights or parking lot lights, where the lens extends below the lowest opaque part of the fixture such that light is scattered above the horizontal plane.
 - b. Any luminaire that uses mercury vapor lamps is prohibited.
 - c. Searchlights, skybeams, and similar lighting, except as required by emergency response personnel during emergency conditions.
 - d. Any light that dynamically varies its output by intermittently fading, flashing, blinking, or rotating. This type of lighting includes strobe lighting.
 - e. Light trespass is prohibited. Refer to general provisions.

(m) *Warranting.*

- (1) New installations of outdoor lighting will only be installed on public properties and right-of-way upon determination by the city manager that a public safety hazard exists in the area to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting and not through some other passive means, such as reflectorized roadway paint or markers.

(Ord. No. 2021-05-01, § I(Exh. A), 7-6-21)

Sec. 18-235. - Reserved.

Sec. 18-236. - Plan submission and compliance review.

- (a) Any individual applying for a compliance review or building permit under this article intending to install new outdoor lighting or update existing outdoor lighting shall file a lighting plan with the city.
- (b) A lighting plan shall be filed at the same time as any other plans required by the city. The individual may obtain from city staff a document that lists all of the items that comprise a proper and complete outdoor lighting submittal.
- (c) The submittal shall contain, but not necessarily be limited to the following:
 - (1) Plans must indicate:
 - a. The number and location on the premises of proposed and existing light fixtures, the type of light fixture (the manufacturer's order number), the lamp type, Kelvin rating, initial lumens produced, the mounting height for each fixture, adaptive controls, building elevations for any structure whose interior lighting is defined as outdoor lighting per this article and the manufacturer's specification sheet for each light fixture.
 - b. The number of acres or part of an acre that is to be illuminated contiguously, the square footage of the footprint for each structure within the area to be illuminated; and
 - c. Any other evidence that the proposed installation will comply with this article.
 - (2) Compliance review.
 - a. The lighting plan shall be reviewed by the city building official to determine compliance with this article, taking into account all factors, including but not limited to, levels of illuminance, luminance, glare, safety hazards, light trespass, and light pollution.
 - b. The building official may seek input from community members knowledgeable about outdoor lighting during the review process.
 - c. The building official shall approve or reject the plan within 30 days of submission, returning it to the applicant with an explanation.
 - d.

The applicant shall not move forward with the outdoor lighting project until the lighting plan is approved.

- e. After the lighting plan is approved, no substitutions may be made for approved light fixtures without re-submitting the plan for review with the substitutions.

(Ord. No. 2021-05-01, § I(Exh. A), 7-6-21)

Sec. 18-237. - Exemptions, temporary permitting, amendments, enforcement, civil remedies and public nuisance.

(a) This article shall not apply to the following:

- (1) Decorative holiday lighting from November 15 through the next January 15 during the hours of 6:00 a.m. to 11:00 p.m. each day, except that flashing holiday lights are prohibited on nonresidential properties. Holiday lights may be illuminated one additional seven-day period per calendar year.
- (2) String, festoon, bistro, and similar lighting, provided that the emission of no individual lamp exceeds 50 lumens, and no installation of such lighting exceeds, in the aggregate, 6,000 lumens. These lights must be rated at or below 2700 Kelvin.
- (3) Underwater lighting of swimming pools and similar water features.
- (4) Lighting required by law to be installed on surface vehicles and aircraft.
- (5) Airport lighting required by law.
- (6) Lighting required by federal or state laws or regulations.
- (7) Temporary emergency lighting needed by law enforcement, fire and other emergency services as well as building egress lighting whose electric power is provided by either battery or generator.
- (8) Lighting employed during emergency repairs of roads and utilities provided such lighting is deployed, positioned and aimed such that the resulting glare is not directed toward any roadway or highway or residence.
- (9) Temporary lighting, other than security lighting, at construction projects provided such lighting is deployed, positioned and aimed such that the resulting glare is not directed toward any roadway or highway or residence.
- (10) Governmental facilities where compelling needs are demonstrated.
- (11) Temporary lighting, permitted in this article, for theatrical, television, performance areas, or events provided such lighting is deployed, positioned and aimed such that the resulting glare is not directed toward any roadway or highway or residence.

(b) Temporary permitting.

- (1) Lighting such as that needed for theatrical, television, performance areas, or events may be allowed by temporary exemption.
- (2)

Temporary lighting that does not conform to the provisions of this article may be approved at the discretion city council or the city manager subject to submission of an acceptable temporary outdoor lighting permit.

(3) Permit term and renewal.

- a. Permits issued shall be valid for no more than seven calendar days and subject to no more than one renewal, at the discretion of city manager, for an additional seven calendar days.

(4) Conversion to a permanent status.

- a. Any lighting allowed by a temporary outdoor lighting permit that remains installed after 14 calendar days from the issue date of the permit is declared permanent and is immediately subject to all of the provisions of this article.

(5) Permit contents.

- a. A request for a temporary outdoor lighting permit for a temporary exemption to any provision of this article must list the specific exemption requested and the start and end date of the exemption. Search lights, skybeams and similar lighting will not be allowed. The city may ask for any additional information which would enable a reasonable evaluation of the request for temporary exemption.

(c) Amendment.

- (1) This article may be amended from time to time as local conditions change, and as changes occur in the recommendations of nationally recognized organizations such as the Illuminating Engineering Society of North America and the International Dark-Sky Association, if the council wishes to do so.

(d) Enforcement.

- (1) It will be the responsibility of the city to publish this article in the newspaper of record and to disseminate this article by other appropriate means; to publish information about this article on the city website; and, as time permits, to inform owners of noncompliant lighting of these provisions.
- (2) The city manager is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this article. Such interpretive documents, with examples such as exhibits 1, 2, 3 and 4 of section 18-240, shall be educational only and shall not constitute regulations, amendments, or exceptions.

(e) Violations.

- (1) It shall be unlawful to install or operate any outdoor lighting luminaire in violation of any provision of this article.
- (2)

Any person violating any provision of this article shall be guilty of a class A misdemeanor and may also be subject to suit for injunctive relief.

- (3) Each and every day during which the illegal erection, maintenance and use of such nonconforming lighting continues shall be considered to constitute a separate offense.
- (4) Any owner who fails to comply with these provisions may be issued a warning notice.
- (5) The owner of the noncompliant lighting must, within 30 days from the issuance of such warning notice, submit a lighting plan as defined in section 18-236 to come into compliance with this article.
- (6) Any owner who further fails to comply after 60 days from the issuance of such warning notice may be subject to criminal and civil penalties including a fine of \$50.00 for each day of noncompliance, unless the city council grants a waiver of the fine.

(f) Civil remedies.

- (1) Nothing in this article shall be construed as limiting the right of any person or entity to pursue legal action against any other person or entity under any applicable law, including the doctrine of light trespass.

(g) Public nuisance.

- (1) Any violation of this article that results in light trespass or an unreasonable interference with the common and usual use of neighboring property is hereby declared to be a public nuisance, which is prohibited by this article.

(Ord. No. 2021-05-01, § I(Exh. A), 7-6-21)

Cross reference— Streets, sidewalks, and other public places, ch. 86.

Sec. 18-238. - Notification.

All building permit applicants will be notified of this article.

(Ord. No. 2021-05-01, § I(Exh. A), 7-6-21)

Sec. 18-239. - Sign illumination.

- (a) All permanent signs may be non-illuminated, illuminated by internal, internal indirect (halo), or lit by external indirect illumination, unless otherwise specified. All illuminated signs shall be extinguished at 11:00 p.m. or within one hour of the end of normal business hours, whichever occurs later. All sign illumination must comply with the correlated color temperature (CCT) requirements of this article.
- (b) Top-down lighting. Externally illuminated signs shall be lit only from the top of the sign, with fully shielded luminaires designed and installed to prevent light from spilling beyond the physical

edges of the sign.

(c) Outdoor internally illuminated signs (whether free standing or building mounted) shall be subject to all the following requirements:

- (1) The sign must be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols. See exhibit 5 of section 18-240 for examples.
- (2) The internally illuminated portion of the sign cannot be white, cream, off-white, light tan, yellow or any light color unless it is part of a registered logo that does not have an alternate version with dark tones. Light tone colors such as white, cream, off-white, light tan, yellow or any light color are permitted in the logo only, provided that such colors in the logo shall represent not more than 33 percent of the total sign area permitted.
- (3) The internal illumination, between sunset and sunrise, is to be the lowest intensity needed to allow the sign to be visible for up to one-half mile from its installation and shall not exceed 100 nits.

(d) Size limit. The luminous surface area of an individual sign shall not exceed 200 square feet.

(e) Electronic message displays.

- (1) Electronic message displays are discouraged and shall comply with outdoor lighting curfews stipulated in this article. Messages appearing on electronic displays shall not be displayed for less than 30 seconds and shall require no longer than 0.25 seconds to transition from one message to another. Moving and/or flashing text or images are prohibited.

(f) Permitted location.

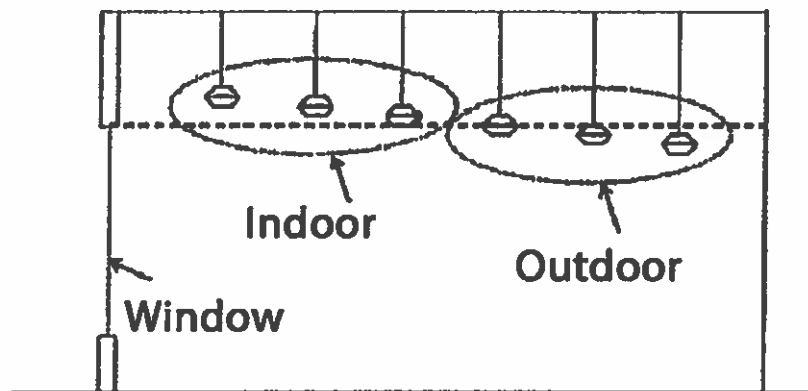
- (1) Off-premises signs shall not be placed within 1,000 feet of another off-premises sign on the same side of an arterial street or highway, regardless of face orientation, or within 1,000 feet of a residential area.

(g) Refer to exhibit 5, internally illuminated signs.

(Ord. No. 2021-05-01, § I(Exh. A), 7-6-21)

Sec. 18-240. - Exhibits.

Exhibit 1. Indoor/outdoor lighting



- (1) Elevation view showing an example of a nonresidential application of indoor lighting, labeled "outdoor," which will be subject to this article.
- (2) The example presumes the structure in question is not elevated such that any of the luminaires labeled "indoor" may be seen from any other property.
- (3) If the structure is elevated such that the luminaires labeled "indoor" are visible from another property then, they are actually "outdoor lighting" and subject to this article.
- (4) All luminaries under skylights or other translucent roofing materials are subject to this article just as the fixtures behind the window are in this example.

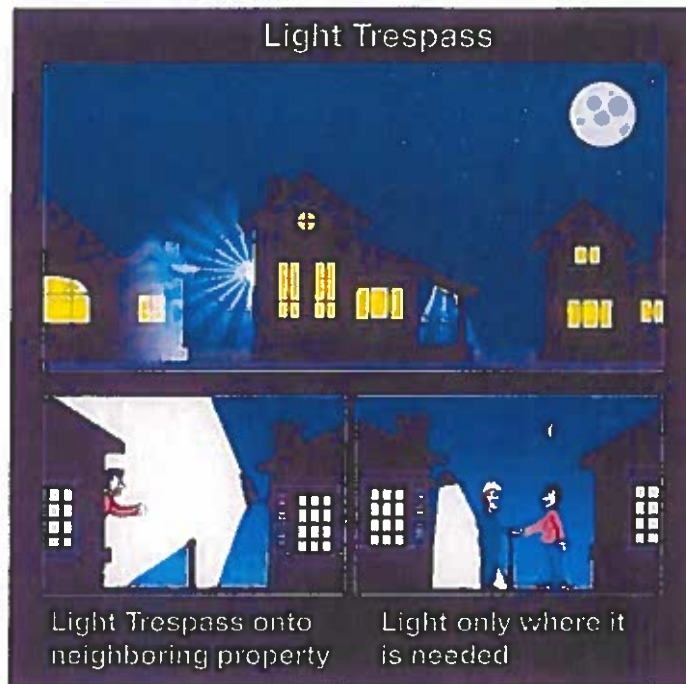
Exhibit 2. An illustration of best outdoor lighting practices



- (1) Light fixtures/luminaires with no shielding waste light into the sky.
- (2) Use shielding to reclaim wasted light and direct it to the area to be lit.
- (3) Lower the correlated color temperature (CCT) from "cool" white light to "warm" white.
- (4) Lower the intensity to provide as much light as needed for the application, but no more.
- (5)

Use adaptive controls, e.g. timers, half-night photocells, motion sensors, etc., to limit the hours the light is in use.

Exhibit 3. Light Trespass



- (1) Light trespass means light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eyes, or upwards toward the sky.
- (2) If the light source is visible from another property or the public roadway, the light is creating light trespass.
- (3) It is expected that the illumination produced by a light source may be viewed from other properties but the light source itself should not be visible from other properties.
- (4) Upon receiving a complaint of light trespass from an owner or occupant, the city will evaluate the complaint.
- (5) Where light trespass is found to occur, the city will take appropriate steps to eliminate or minimize the unwanted light emanating from a light on city property, or from private lighting.
- (6) If a violation is found to occur the offender may switch to a lower wattage bulb or convert to FCO fixtures to become compliant.

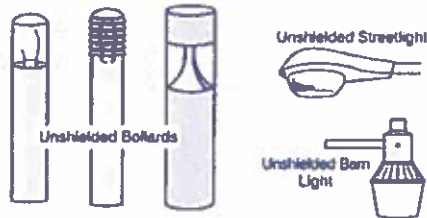
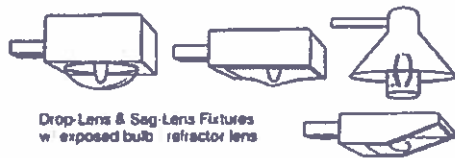
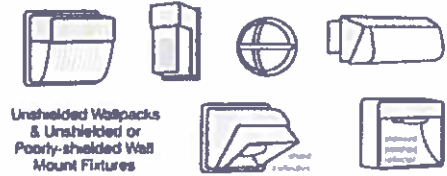
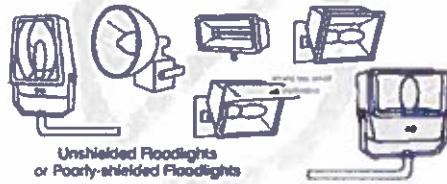
Exhibit 4. Unacceptable Fixtures and Acceptable Fixtures

Note the presence or absence of shielding, the purposeful design and the direction the light is intended to shine towards

Examples of Acceptable / Unacceptable Lighting Fixtures

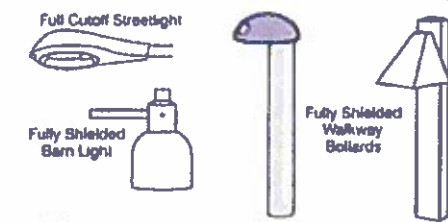
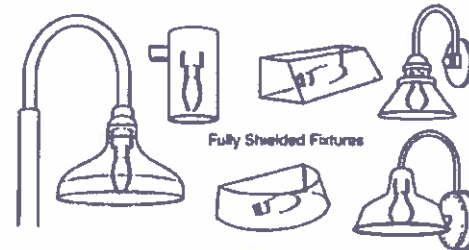
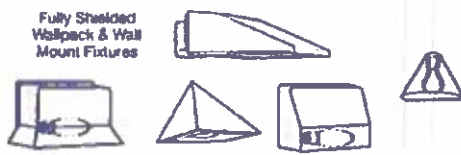
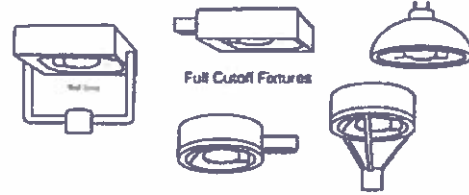
Unacceptable / Discouraged

Fixtures that produce glare and light trespass









Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Illustrations by Bob Crain - 2005. Rendered for the Town of Southampton, NY. Used with permission.

Exhibit 5. Internally Illuminated Signs

Light Background <input checked="" type="checkbox"/>	Colored Background <input checked="" type="checkbox"/>	Opaque Background <input checked="" type="checkbox"/>
		
		

(Ord. No. 2021-05-01, § I(Exh. A), 7-6-21)

Secs. 18-241—18-250. - Reserved.