



**TOWN OF SHADY SHORES
PLANNING AND ZONING COMMISSION
REGULAR SESSION
JANUARY 12, 2023; 7:00 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208**

AGENDA

TO VIEW THE MEETING LIVE: <https://shadyshorestx.civicclerk.com/>

1. CALL TO ORDER
2. ROLL CALL
 Establish a quorum
3. REGULAR BUSINESS
 1. Consider and act on approval of the November 10, 2022 minutes
 2. Consider and act on approval of the December 6, 2022 Special Called Joint Meeting minutes.
 3. Consider and act upon changing the start time of future meetings.
4. WORKSESSION
 1. Consider, review and discuss an ordinance that incorporates dark sky lighting principles.
5. FUTURE AGENDA ITEMS
6. ADJOURN

I, _____, _____ of the Town of Shady Shores do hereby certify that the above notice of the Planning and Zoning Commission was posted on the bulletin board at the Community Center, 101 S. Shady Shores Road, Shady Shores, Texas on _____ Day of _____, _____, at _____ .M.

IN ADDITION, A QUORUM OF CITY COUNCIL MEMBERS MAY CHOOSE TO ATTEND THE PLANNING AND ZONING MEETING POSTED ABOVE. THEREFORE, THIS IS NOTICE OF A CITY COUNCIL MEETING AT THE SAME TIME AND PLACE, WITH THE SAME AGENDA AS THE P&Z MEETING. IN THE EVENT A QUORUM OF COUNCIL IS PRESENT AT THE MEETING, NO ACTION OF THE COUNCIL WILL BE TAKEN. THIS NOTICE IS POSTED AT THE TIME STATED ABOVE.

Amber Schuler, Deputy Town Secretary



**SHADY SHORES PLANNING AND ZONING COMMISSION
NOVEMBER 10, 2022; 7:00 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208**

MINUTES

1. CALL TO ORDER

Chairman Juve called the meeting to order at 7:04 P.M.

2. ROLL CALL

Establish a quorum

Chairman Juve called the roll and established a quorum.

3. REGULAR BUSINESS

1. Consider and act on approval of the September 8, 2022 meeting minutes.

Commissioner Graham made a motion to approve the September 8, 2022 minutes. Commissioner Dupape seconded the motion and the motion passed unanimously.

2. Oath of Office- Deliver the Oath of Office to the Newly Appointment Members.

This item was tabled to the next meeting.

3. Election of Vice-Chairman- Consider and act on electing a member to serve as the Vice-Chairman of the Planning and Zoning Commission.

Commissioner Graham made a motion to appoint Commissioner Brown to serve as the Vice- Chair. Commissioner Dupape seconded the motion and the motion passed unanimously.

4. Public Hearing- Conduct a Public Hearing relative to a request made by Dennis Herd for a replat of the property legally known as Stephens Corner Addition Abstract M.E.P. & P.R.R Survey A-911, Lot 4 Block A, (101 Lakeshore). The total acreage is 4.614 and the proposed replat contains five, ½ acre single family homesites.

- A) Staff Report
- B) Open Public Hearing
- C) Applicant
- D) Those in Favor
- E) Those Opposed
- F) Rebuttal if Desired
- G) Close Public Hearing

The staff report was presented by the town engineer, David Francis. Chairman Juve opened the public hearing. The applicant was not present for the meeting. Cecil Carter at 111 Lakeshore Road spoke in favor of the replat. No one appeared in opposition of the replat. No rebuttal was necessary. Chairman Juve closed the public hearing at 7:18 P.M.

5. Action Regarding Public Hearing (Herd Replat)- Consider and act on a request made by Dennis Herd for a replat of the property legally known as Stephens Corner Addition Abstract M.E.P. & P.R.R Survey A-911, Lot 4 Block A.

Commissioner Graham made a motion to approve the replant conditionally with the recommendations presented by the town engineer. Commissioner Brown seconded the motion and the motion was approved unanimously.

4. FUTURE AGENDA ITEMS

Dark Sky Principles were discussed. The board would like the town attorney to present an ordinance at the next meeting that incorporates the dark sky lighting principles as requirements for street lights in future developments.

5. ADJOURN

Chairman Juve adjourned the meeting at 7:28 P.M.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2023.

APPROVED:

Josh Juve, Chairman

ATTEST:

Amber Schuler, Deputy Town Secretary



**TOWN OF SHADY SHORES
SHADY SHORES PLANNING AND ZONING
SPECIAL CALLED SESSION
JOINT MEETING SHADY SHORES TOWN COUNCIL
DECEMBER 6, 2022; 6:30 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208**

MINUTES

Josh Juve	Chairman	Present
Paul Brown	Vice-Chair	Present
Don Caver	Commissioner	Present
Nathan Abato	Commissioner	Present
Frank Graham	Commissioner	Present
Michael Young	Alternate	Present
Randal Dupape	Alternate	Present

Staff Present: Wendy Withers, Town Administrator; Amber Schuler, Municipal Court Administrator; Katie Klein Communications Admin; Jim Shepherd, Town Attorney; David Francis, Town Engineer

**Town Council Meeting Minutes will be a separate document.*

CALL TO ORDER

Chairman Juve called the meeting to order at 6:35 pm.

ROLL CALL

Establish a quorum. 1. Shady Shores Town Council 2. Planning and Zoning Commission

Chairman Juve called the roll and a quorum was established for the record.

PLEDGE ALLEGIANCE TO THE UNITED STATES FLAG AND THE TEXAS FLAG. (HONOR THE TEXAS FLAG; I PLEDGE ALLEGIANCE TO THEE, TEXAS, ONE STATE UNDER GOD, ONE AND INDIVISIBLE.)

REGULAR AGENDA ITEMS

Public Hearing- Conduct a Public Hearing relative to a request made by Dennis Herd for a replat of the property legally known as Stephens Corner Addition Abstract M.E.P. & P.R.R Survey A-911, Lot 4 Block A, (101 Lakeshore). The total acreage is 4.614 and the proposed replat contains five, ½ acre single family home sites.

A) Staff Report (David Francis)

B) Open Public Hearing- Mayor Aughinbaugh opened the public hearing at 7:45 pm.

C) Applicant- Applicant, Dennis Herd thanked everyone for attending and again asked if there was another way to design the drainage so that he would not have to remove trees. Town Engineer David Francis stated that there were additional options that were offered to the developer. However, these were

never pursued.

D) Those in Favor- No one spoke in favor of the request

E) Those Opposed- No one spoke in opposition to the request

F) Rebuttal if Desired

G) Close Public Hearing- Mayor Aughinbaugh closed the public hearing at 7:59 pm.

David Francis, with Binkley & Barfield the town's engineering firm gave the staff report and stated the previous conditions that were of concern to the Planning and Zoning Commission had been met.

Bill Emsoff made a motion to move to Executive Session. Mike Nowels seconded the motion.

Discussion: None

Ayes: Grimes, Belton, Emsoff, Newell, Nowels

Nays: None

Bill Emsoff made a motion to reconvene into Open Session. Tom Newell seconded the motion.

Discussion: None

Ayes: Grimes Belton, Emsoff, Newell, Nowels

Nays: None

The motion passed unanimously and the Council reconvened into Open Session at 7:45 pm.

Action Regarding Public Hearing (Herd Replat)- Consider and act on a request made by Dennis Herd for a replat of the property legally known as Stephens Corner Addition Abstract M.E.P. & P.R.R Survey A-911, Lot 4 Block A.

Shady Shores Town Council will consider and take action regarding the above request.

Tom Newell motion to approve/amends with the one note that David has spoken about the current maintenance of the drainage pond is the responsibility of owner of the lot. Charles Grimes seconded the motion.

Discussion: None

Ayes: Grimes, Belton, Emsoff, Newell, Nowels

Nays: None

The motion passed unanimously.

Public Hearing- Consider and act on approval of a preliminary plat for Hidden Valley Phase VI.

A) Staff Report (David Francis)- David Francis gave the staff report for the project.

B) Open Public Hearing- Mayor Aughinbaugh opened the public hearing at 6:50 pm

C) Applicant- Steve Aughinbaugh was present as the applicant.

D) Those in Favor- No one spoke in favor of the request.

E) Those Opposed- No one spoke in opposition to the request.

F) Rebuttal if Desired- None

G) Close Public Hearing – The Mayor closed the public hearing at 6:53 pm.

Action Regarding Public Hearing-

1. Shady Shores Planning and Zoning Commission consider and act on approval of the preliminary plat for Hidden Valley Phase VI.

2. Shady Shores Town Council consider and act on approval of the preliminary plat for Hidden Valley Phase VI. .

Bill Emsoff asked questions regarding the depth of the retention pond. The area of the pond that will be inundated during rainfall event will be approximately 3 feet.

Planning and Zoning Commission

Paul Brown made a motion to approve the replat conditionally with the engineer's comments. (Drainage Easement on the north end of the subdivision to be relocated to the low spot, proposed easements for the power line relocation have been adequately sized based on the utility provider. Nathan Abato seconded the motion.

Discussion: None

Ayes: Brown, Abato, Juve, Graham, Caver

Nays: None

The motion passed unanimously.

Tom Newell made a motion to approve the replant conditionally with the engineer's comments as described by the Planning and Zoning motion. Mike Nowels seconded the motion.

Discussion: Mike Nowels asking if there was any opposition, as there were quite a few visitors in the room.

Ayes: Grimes, Belton, Emsoff, Nowels, Newell

Nays: None

The motion passed unanimously.

EXECUTIVE SESSION:

Pursuant to the provisions of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated, The Town Council may hold a closed meeting.

ADJOURN

Chairman Juve adjourned the meeting at 7:08 P.M.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2023.

APPROVED:

Josh Juve, Chairman

ATTEST:

Amber Schuler, Deputy Town Secretary



AGENDA MEMORANDUM

DATE: January 6, 2023

TO: Shady Shores Planning and Zoning Commission

FROM: Amber Schuler, Deputy Town Secretary

SUBJECT: Changing the Meeting time from 7:00 P.M.

BACKGROUND/INFORMATION:

Planning and Zoning meeting start time is currently 7:00 P.M. There has been a request by one or more members to adjust the meetings to start at an earlier time. One suggestion was 6:00 P.M. A discussion among members is requested to determine if an earlier start time would be conducive with all members schedules.



AGENDA MEMORANDUM

DATE: January 6, 2023

TO: Shady Shores Planning and Zoning Commission

FROM: Amber Schuler, Deputy Town Secretary

SUBJECT: Dark Sky Ordinance- Draft for Worksession

BACKGROUND/INFORMATION: Planning and Zoning has been discussing the possibility of updating the Town of Shady Shores Subdivision Ordinance to include provisions for dark sky principles. Attached is a draft Ordinance to address some of the issues.

This Ordinance seeks to:

1. Address lighting requirements for new subdivisions and replacement lighting in subdivisions that already exist.
2. prevent light pollution, including glare, sky glow, light trespass, obtrusive light, and energy waste that will protect the health and welfare of the Town's residents, reduce lighting expenses and prevent lighting that would be offensive to neighboring properties; and
3. Addresses and creates a plan for preserving the scenic aspect of our community as well as Preservation of natural resources and wildlife.

The Ordinance as presented regulates both public and private property. While the Ordinance addresses the dark sky principles, it does not make Shady Shores a Dark Sky community.

FINANCIAL IMPLICATIONS:

Possible future financial implications for the Town to come into compliance

RECOMMENDATION/ACTION DESIRED:

Members should review the Ordinance and carefully weigh the pros and cons of adopting an Ordinance. Please note questions and ideas when reviewing for discussion at the meeting. The

intent of this agenda item is discussion and adaption of the Ordinance to suit the Town of Shady Shores needs and wishes.

ATTACHMENTS/SUPPORTING DOCUMENTATION:

1. Lighting Ordinance- Dark Sky Principles

REVIEWED BY:

Wendy Withers

**AN ORDINANCE OF THE TOWN OF SHADY SHORES, TEXAS,
REGULATING OUTDOOR LIGHTING FIXTURES; PRESCRIBING
PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THE
ORDINANCE, PROVIDING SAVINGS AND REPEALER CLAUSE;
SEVERABILITY CLAUSE; PROPER NOTICE AND MEETING; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town Council desires to create a new Outdoor Lighting Ordinance that provides for safe and attractive lighting of private and public property within its town limits; and

WHEREAS, the Town of Shady Shores may have new residential developments in the future and the Town Council believes that a consistent and definitive outdoor lighting ordinance will enhance the unique character of the Town; and

WHEREAS, the Town Council seeks to preserve and protect the night-time environment and the heritage of dark skies through responsible outdoor lighting; and

WHEREAS, the Town Council seeks to prevent light pollution, including glare, sky glow, light trespass, obtrusive light and energy waste that will protect the health and welfare of the Town's residents, reduce lighting expenses and prevent lighting that would be offensive to neighboring properties; and

WHEREAS, the Town Council desires to maintain the value of the Town's scenic and natural resources which are key to the Town's quality of life; and

WHEREAS, the Town Council desires to promote sound environmental policies which benefit the Town's residents and serve as a positive example for surrounding municipalities.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, TEXAS:

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 1. Definitions

For the purposes of this ordinance, terms used shall be defined as follows:

Adaptive Controls - Devices such as timers, motion sensors and light-sensitive switches used to actively regulate the emission of light from light fixtures.

Applicant - A property owner, tenant or duly authorized agent or representative of the property owner who submits an application for approval required by this ordinance.

Area Lighting - Light fixtures located on public or private property that are designed to light spaces including but not limited to parks, parking lots and nature areas.

ANSI - The American National Standards Institute is a private, non-profit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system.

Barn Light - Commonly referred to as a dusk-to-dawn light and is generally unshielded and used in rural applications.

Bulb - A light-emitting device or a structure containing a light source that includes but is not limited to a lamp; also referred to as a "lamp".

Correlated Color Temperature (CCT) - A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured kelvins (K).

Curfew - A period of time at night during which lighting must be significantly dimmed in output or extinguished in accordance with an expected decrease in human presence.

Existing Light Fixtures - Those outdoor light fixtures already installed on the date this ordinance is effective.

Exterior Lighting - Temporary or permanent lighting that is installed, located and used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors and intended to light something outside are considered exterior lighting.

Fixture - An outdoor lighting assembly containing one (1) or more lamps including any lenses, reflectors and shields designed to direct the light in a defined manner.

Floodlight - A light fixture having a wide beam.

Fully Shielded Fixture - A light source screened, and its light directed in such a way that none is emitted above the horizontal plane passing through its lowest light-emitting part.

Glare - Lighting entering the eye directly from luminaries or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Holiday Lighting - Temporary outdoor lighting decorations installed to celebrate a holiday.

IES - The Illuminating Engineering Society (formerly IESNA) is a recognized authority on lighting best practices and standards; a professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

IDA - International Dark-Sky Association.

Illuminated Sign - Any informational or advertising sign that is illuminated by either internal or external means.

Initial Lamp Lumens - The number of lumens of light emitted by a lamp when new and not counting any depreciation of output due to the age of the lamp. This information can be found in manufacturer data sheets.

LED - Light emitting diode.

Light Fixture - The assembly that holds or contains a lamp or bulb and includes elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing and the attachment parts.

Light Pollution - Any and all nuisances caused by the adverse effect of manmade light, including, but not limited to, glare, light trespass, sky glow, visual clutter and energy waste, due to excessive or unnecessary artificial light that unnecessarily diminishes the night sky.

Light Trespass - Unwanted light falling on public or private property from any location external to that property; generally caused by a light on a property that shines on the property of others.

Lumen - A unit of measure that identifies the amount of light emitted per second into a solid angle of one steradian from a uniform source of one candela.

Luminance - Light that reaches a surface and other objects; the density of luminous flux incident on a surface measured in lux or foot-candles.

Luminaire - The complete lighting unit (fixture) consisting of a lamp, or lamps and ballasts, together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps and to connect the lamps to the power supply.

Lumens Per Net Acre - The total number of initial lumens produced by all lamps utilized in outdoor lighting on a developed property by the number of acres. The net acreage of a property is the gross acreage of that property less any acre (s) that are considered undeveloped.

Major Addition - An addition/enlargement of 25% or more of the building's gross square footage either with a single construction project or cumulative series of construction projects after enactment of this ordinance. Definition also includes replacement of 25% or more of installed outdoor lighting.

Nit - A unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter. A nit is a common unit of luminance in both the outdoor lighting and outdoor advertising industries.

Non-Conforming - A structure and outdoor lighting that was installed before the effective date of this ordinance and does not conform to the standards imposed by this ordinance.

Opaque - Material that does not transmit light from the internal illumination source. The color of such opaque backgrounds is not restricted.

Outdoor Lighting - Night-time illumination of an outside area or object by any man-made device that is located outdoors and produces light.

Parapet - A barrier which is an extension of the wall at the edge of a roof, terrace, balcony, walkway or other structure.

Partially Shielded - A fixture shielded in such a manner that no more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle above the horizontal.

Private Outdoor Lighting - Light fixtures located on property owned or controlled by individual persons or families.

Public Outdoor Lighting - Light fixtures located on property owned or controlled by the Town or other governmental entity or entities, including but not limited to streets, highways, alleys, easements, parking lots, parks, playing fields, schools and institutions of higher learning.

Property Line - The edges of the legally defined extent of a property.

Recessed - When a light is built into a structure or portion of a structure such that the light is fully shielded and no part of the light extends or protrudes beyond the undersides of a structure or portion of a structure.

Replacement Lighting - Lighting installed specifically to replace existing lighting that is sufficiently broken beyond repair.

Sag-lens/Drop-lens - Clear or prismatic refracting lens that extends below the lowest opaque portion of a light fixture.

Searchlight - Any light fixture having a narrow beam intended to be seen in the sky by an observer on the ground.

Sky Glow - The brightening of the nighttime sky caused by the scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

Spotlight - A narrow strong beam of light that can be directed to illuminate a small area.

Street Lighting - Lighting provided for major, collector and local town roads, as well as sidewalks and bikeways, where pedestrians and cyclists are generally present.

Temporary Outdoor Lighting - Lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.

Up Lighting - The most commonly used technique to illuminate structures or parts of structures, trees, walls, waterfalls, fountains and other outdoor objects above the

horizontal plane. Light fixtures are ground-mounted and directed upwards, away from the viewer to prevent glare.

Unshielded - Any fixture which, as designed or installed, emits all or part of the light above the lowest part of the light fixture.

Wall Pack - A type of floodlight mounted on the wall of a building or other structure.

Watt - The unit used to measure the electrical power consumption (not the light output of a lamp).

Section 2. General

- A. The town shall change and install all new public outdoor lighting within the city rights of way and on city owned property to meet the requirements of this ordinance when luminaries expire.
- B. New public outdoor lighting, including street lighting, shall make use of timers, dimmers, motion sensors and other adaptive controls and shall be substantially dimmed or extinguished by 12 A.M., unless public safety concerns demand otherwise.
- C. All outdoor lighting installed on private properties that is affixed to a construction project for which a building permit is required shall conform to the standards established by this ordinance.
- D. The Town Council may amend this ordinance from time to time as local conditions change and as changes occur in the recommendations of nationally recognized organizations, such as Illuminating Engineering Society (IES) and the International Dark-Sky Association (IDA).
- E. Nothing in this ordinance 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 as a form of private nuisance.
- F. *Attachment A* includes examples of unacceptable/not compliant and acceptable/compliant outdoor lighting fixtures.

Section 3. Existing Light Fixtures

- A. All new and replacement private and public outdoor lighting installed after the effective date of this ordinance shall comply with its provisions. The town will assist property owners and/or occupants to correct any nonconforming lighting through consulting with the owner.
- B. If more than 50% of the total appraised value of a structure (as determined from the records of the county's appraisal district) has been destroyed, the structure's existing light fixtures must be removed and shall only be replaced with fixtures that meet outlined standards herein.

C. All existing private outdoor lighting located on a property that is part of a building permit for a major addition/enlargement of 25% or more of the building gross square footage either with a single construction project or cumulative series of construction projects is required to be brought into conformance with this ordinance before final inspection or issuance of a certificate of occupancy. The applicant shall have a maximum of 180 days from the date of the permit issuance to bring the lighting into conformance.

D. A nonconforming structure shall be deemed abandoned if the structure remains vacant for a continuous period of six (6) months. In that instance, the structure's existing outdoor lighting must be removed and may only be replaced in conformity with the standards of this ordinance.

Section 4. General Outdoor Lighting

A. Lighting at public and private outdoor sports/recreational facilities, including but not limited to playing fields, arenas, tennis courts, playgrounds, tracks and swimming pools, shall be shielded such that no light-emitting part of fixtures is visible from any other property and shall provide levels of luminance consistent with IES "Recommended Practice for Sports and Recreational Area Lighting," (IES RP-6-01) or current successor recommendations. Sports lighting shall furthermore cease upon conclusion of scheduled events or 12A.M. (whichever occurs first).

B. Strobe lights on communication towers and other lights for aerial navigation that are required by the Federal Aviation Administration (FAA) during daytime hours are permitted. Other required night navigational lights shall not be brighter than the minimum required by the FAA.

C. Outdoor lighting fixtures using lamps or bulbs, regardless of the number of bulbs and level of initial lamp lumens, shall not exceed 3,000 kelvins and meet the following:

<u>Initial Lamp Lumens</u>	<u>Shielding Requirement</u>
Greater than or equal to 1,500	Fully
Less or equal to 1,499	None

- D. All existing and/or new private and public outdoor lighting shall not cause light trespass and shall protect properties from glare and excessive lighting. Outdoor lighting fixtures shall be sufficiently shielded and aimed such that spillage of light onto adjacent properties is minimized and glare from the light emitting and/or reflecting parts of a luminaire is not visible from an adjacent property.
- E. Sag-lens, drop-lens and mercury vapor fixtures are prohibited.
- F. Searchlights, beacons, laser source and other high-intensity fixtures are prohibited. Additionally, except as otherwise allowed, any lighting that is flashing, blinking, rotating, chasing or rapidly changing in color or intensity is also prohibited.
- G. The installation of any barn light fixture for use as outdoor lighting is prohibited unless the fixture includes a full opaque reflector instead of the standard translucent lens.
- H. Outdoor up lighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield that will not cause light to extend beyond the structural shield.
- I. Up lighting and down lighting of flagpoles on public or private property is permitted:
1. Flagpoles illuminated from below are limited to a height of 25 feet above ground level and shall be illuminated with a single spot-type fixture whose maximum initial output is 52 lumens per foot of height, measured from the light fixture to the top of the flagpole. The maximum output shall be 1,300 lumens and 3,000 kelvins. The fixture shall be mounted perpendicular to the flagpole and the light outputs shall point straight up at the flag.
 2. Flagpoles illuminated from above shall utilize a single light fixture, not to exceed 800 initial lamp- lumens and 3,000 kelvins, attached to the top of the flagpole.
 3. If the flag of the United State of America is displayed during the hours of darkness it should be illuminated as recommended in the United States Flag Code (36 U.S.C. Paragraphs 173, 174).

Section 5. Outdoor Signs

- A. The luminous/illuminated surface of individual outdoor sign shall not exceed 200 square feet (18.6 square meters).
- B. Outdoor signs may be unlighted, lighted externally, lighted internally or backlit. All sign lighting must be designed and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting.
1. Externally Illuminated Signs
 - a. In addition to meeting requirements in Section 3, lighting must be aimed and shielded so that light is directed only onto the sign face and does not

- trespass onto adjacent streets, roads, properties or into the night sky.
- b. Lighting must be mounted at the top of the sign.

2. Internally Illuminated Signs-Lighting Is Visible on Both Sides of Sign:

- a. Only sign copy areas and logos may be illuminated.
 - b. Signs shall use semi-opaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign copy. Non copy portions of the sign (e.g., background and graphics) shall be made of completely opaque material.
3. Backlit Illuminated Signs-Only One Side of Sign Lit:
- a. Signs shall be designed such that the light source is not visible.

- b. Signs shall be designed such that harsh, direct illumination does not emanate from the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy are allowed.
- c. Signs shall be constructed with a non-white background and utilize opaque letters and symbols such that the light emanating from the sign is diffused.

C. Digital Electronic Message Signs with intermittent, scrolling or flashing illumination are permitted only at town administration buildings and educational facilities and are subject to the following:

1. Any changes to the face or copy of the sign must have a minimum of eight (8) second interval between changes.
2. Between the hours of 12 AM. - 6 AM. except for time and temperature:
 - a. There shall be no changes to the face or copy of the sign; and
 - b. The background must be darker than the text.
3. LED/electronic message displays are subject to the following:
 - a. Between the hours of 12 A.M. - 6 A.M. signs shall not exceed the maximum illumination level of 100 nits as measured under conditions of a full white display.
 - b. Signs shall be equipped with photocell sensors that are factory locked to adjust the sign to an appropriate light level during daylight hours and dim the sign at night to the required nit level as stated previously.
 - c. The electronic message portion of the sign shall not have a white background.
 - d. Signs shall include timers that automatically turn off the digital display.

Section 6. Public Right of Way (Street) Lighting

- A. All residential streetlights shall be fully shielded fixtures of approved historical design and shall be limited to 1,125 lumens and non-residential streetlights to 1,500 lumens unless otherwise specified by the IES "American National Standard Practice for Roadway and Street Lighting" (IES RP-8-14) guidelines.
- B. Adaptive controls shall be utilized that automatically extinguish street lighting, when sufficient daylight is available using a control device or system such as photoelectric switch or equivalent functions from a programmable lighting controller.
- C. All area lighting, parking area lighting, and lighting of recreational facilities shall be level mounted and fully shielded. Allowable luminance values from IES recommended practices shall be utilized.
- D. Freestanding luminaries shall be no higher than twenty-five feet (25') above the stand/pole base, except fixtures used for playing fields shall be exempt from height

restrictions. Building mounted luminaries shall be attached only to walls and the top of the fixture shall not exceed the height of the parapet or roof, whichever is greater.

Section 7. Requirements for New Outdoor Lighting Facilities

A. New public outdoor lighting facilities shall adhere to the following requirements:

1. All town-owned outdoor lighting including street lighting shall employ fully-shielded fixtures in order to limit light trespass.
2. When new town-owned buildings and other facilities are constructed, or new town right-of-way are established, the installation of new outdoor lighting fixtures shall be allowed only when (a) specific need related to a hazardous nighttime situation is identified by the town, or (b) lighting is deemed necessary as a matter of ensuring the town's public health, safety and welfare.
3. When existing town-owned buildings, other facilities and town right-of-way are modified by physical alterations and/or by a change of use, the installation of new outdoor lighting fixtures beyond existing installations shall be allowed only when (a) a specified need related to a hazardous nighttime situation is identified by the town, or (b) lighting is deemed necessary as a matter of ensuring public health, safety and welfare, as is in the best interest of the town.
4. In the event of the establishment of any new residential subdivision where street rights-of-way will be dedicated to the town, the town shall not allow the installation of streetlights, except in the case of replacing existing nonconforming street lights. However, in cases where it is determined that street lighting is deemed necessary in public rights-of-way for the health, safety or welfare of pedestrians, bicyclists and/or motorists, the installation of street lighting shall be permitted. All street lighting shall be (a) fully shielded, (b) meet correlated color temperature requirements, (c) make use of appropriate adaptive controls, and (d) be subject to curfews as directed by the Town Council. A street lighting plan specifying the number and approximate location of streetlights and style of fixture shall be included in the final plat and approved by the Town Council.

Section 8. Levels of Luminance Required or Permitted at Specific Facilities

- A. For locations and facilities not specified herein, the Town Council shall set acceptable levels of luminance based of IES guidelines.
- B. The total outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any developed residential property shall not exceed 10,000 lumens per net acre, of which no more than 2,000 lumens per net acre may consist of unshielded lighting allowed in Section 4, Item C.
- C. The total outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any developed

public or private nonresidential property shall not exceed 25,000 net lumens per acre, of which no more than 5,000 lumens per net acre may consist of unshielded lighting allowed in Section 4, Item C.

D. Outdoor multi-directional aerial sports (baseball, basketball, football and soccer) shall not exceed 100,000 net lumens per acre including any shielded lighting. Such lighting shall make appropriate use of adaptive controls when possible.

Section 9. Outdoor Lighting Projects

A. All subdivision and building permit applications shall include an outdoor lighting plan which includes the following information:

1. Location, type, height, color temperature, lumens output, shielding planned and amount of all proposed and existing fixtures. The applicant shall provide enough information to verify that lighting conforms to this ordinance.
2. Manufacturer's specification sheets for illustrations, such as contained in a manufacturer's catalog cuts for all existing and proposed light fixtures.
3. A table showing the amount of proposed outdoor lights by fixture, wattage, lumens and lamp type.

B. A building official and/or administrator shall review the lighting plan taking into account the factors above and shall approve or reject the plan within 30 days of submission, returning it to the applicant with an explanation for the decision. The applicant shall not undertake the outdoor lighting project until the lighting plan is approved. If required, additional information may be requested.

C. Upon receipt of residential building permit applications, the town shall provide the homebuilder/applicant with educational materials about this ordinance. The town's submission of educational materials shall be prima facie evidence that the applicant has received notification of the provisions of this ordinance.

D. Verification that a residential or non residential project has complied with the provisions of this ordinance shall occur during the final electrical inspection by the town building inspector.

E. In the event work is not being performed in accordance with this ordinance, the building inspector shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

F. Variance requests shall be submitted to the Town Council for approval/ disapproval by simple majority vote. In considering requests for variance the Major and Town Council shall consider the following criteria:

1. The degree to which compliance will cause undue hardship for the applicant; and

2. The degree to which the requested variance will result in a non-compliant fixture; and
3. The amount of time the requested variance will be in effect before the fixture comes into compliance; and
4. The degree to which approval of the variance would set a precedent for other such requests; and
5. The effect the variance might have on efforts by the town to attain and/or retain recognition such as a Dark Sky Community or other similar designation.

Note: Applicants requesting a variance must demonstrate under hardship caused by unique circumstances of the property making it impossible to literally comply with the standards of this ordinance. Financial concerns do not comprise a hardship under this ordinance.

Section 10. Exceptions

- A. Temporary outdoor holiday lighting decorations shall be permitted from November 15 to January 15. Temporary outdoor holiday lighting decorations for other holidays shall also be permitted for a seven-day period before a holiday and shall be removed within one week after the holiday. Such lighting shall be minimized after 12 A.M.
- B. Lighting required by local, state or federal law, for example, motor vehicles.
- C. Temporary emergency lighting needed during activities of law enforcement, fire and other emergency services.
- D. Lighting employed during emergency repairs of roads and utilities may be unshielded provided the lights are positioned so they do not shine in the eyes of passing drivers.
- E. Temporary lighting required to save life or property from imminent peril.
- F. Outdoor lighting for which light is produced directly by the combustion of fossil fuels.

Section 11. Enforcement and Penalties

- A. **Enforcement** - The town shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person or entity violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.
- B. **Resolution** - If, after investigation, town officials find that any provision of this ordinance is being violated, notice shall be given by hand delivery or certified mail, return receipt requested, of such violation to the owner and/or the occupant of such premises, demanding that the violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. Town officials shall be available to assist in working with the violator to correct such violation. If the violation is not abated

within the thirty (30) day period, town officials may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of the ordinance and to collect the penalties for such violations.

C. **Public Nuisance** - Any violation of this ordinance 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. It is an offense for a person to emit light onto the property of another unreasonably interfering with the neighboring property owner's use and enjoyment of their property.

D. **Penalty**- It shall be an offense for a person/entity to fail to comply with the standards set forth in this ordinance within 30 days after notice is mailed to them. Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00), except as may be otherwise expressly provided by state law. Each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a Class C misdemeanor.

E. **Civil Remedies-Nothing** in this ordinance shall be construed as a waiver of the town's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and equity, including, but not limited to the following:

1. Injunctive relief to prevent specific conduct that violates this ordinance or to require specific conduct that is necessary for compliance with this ordinance;
2. Notification, intervals, follow-up and enforcement of violations shall follow established procedures utilized for other code violations.
3. A civil penalty up to five hundred dollars (\$500.00) for each day a violation occurs, when it is shown that the defendant was actually notified of the provisions of this ordinance and after receiving notice committed acts in violation of this ordinance or failed to take action necessary for compliance with this ordinance; and other relief as directed by a court with jurisdiction over the matter.

Section 12. Savings / Repealing Clause

All ordinances or parts of ordinances that are in conflict with the provisions of this ordinance, and the same are hereby repealed and all other ordinances of the town not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 13. Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this ordinance shall remain in full force and effect.

B. Independent Sections

The town hereby declares that it would have this ordinance, and each section, subsection, clause or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 14. Proper Notice and Meeting

It is hereby officially found and determined that the meeting at which this ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

Section 15. Effective Date

This ordinance shall become effective from and after its date of passage and publication as provided by law.

ADOPTED AND APPROVED by the Town Council of Shady Shores, Texas this _____ day of _____, 2023.

Mayor

ATTEST:

Wendy Withers, Town
Secretary

APPROVED AS TO
FORM:

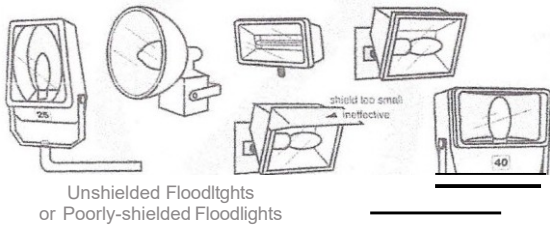
James E. Shepherd, Town
Attorney

Attachment A

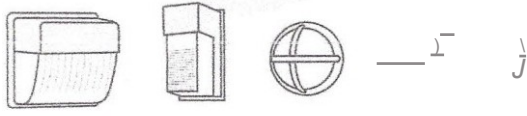
Examples of Acceptable & Unacceptable Lighting Fixtures

Unacceptable/Not Compliant

Fixtures that produce glare and light trespass

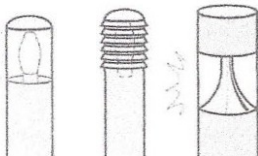


Unshielded Floodlights
or Poorly-shielded Floodlights



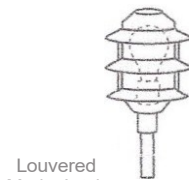
Unshielded Wallpacks
& Unshielded or
Poorly-shielded Wall
Mount Fixtures

Drop-Lens & Sag-Lens Fixtures
w/ exposed bulb/ retractor lens



Unshielded Bollards

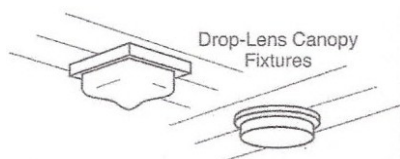
Unshielded Streetlight



Louvered
Marine' style
Fixtures



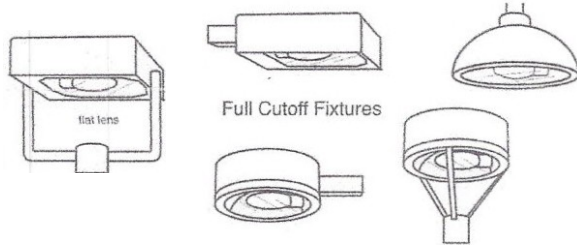
Unshielded
PAR
Floodlights



Drop-Lens Canopy
Fixtures

Acceptable/Compliant

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



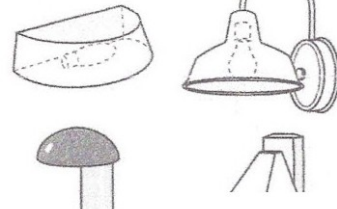
Fully Shielded
Wallpack & Wall
Mount Fixtures

Full Cutoff Fixtures



Full Cutoff Streetlight

Fully Shielded Fixtures

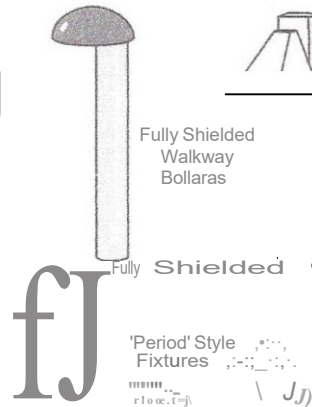


Fully Shielded
Walkway
Bollards

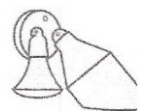


Fully Shielded
Decorative

Fixtures
bulb shielded
on top



'Period' Style
Fixtures



Shielded/

Flush Mounted or Side
Under Canopy

P
r
o
p
e
r
:
y
-
<
l
i
m
e
d
P
A
R

Floodlights

@.Bob Crelin •
BobCrelin.com