

ORDINANCE NO. _____
CASE. NO. 07-16ZT2 Text Amendments

PLANNING DEPARTMENT
City of Carrollton
Date: 10/18/2016

ORDINANCE NUMBER _____

ORDINANCE NO. _____ OF THE CITY OF CARROLLTON AMENDING CHAPTER 92 NUISANCES, SECTION 92.56 NUISANCE GLARE OF THE CITY OF CARROLLTON CODE OF ORDINANCES; AMENDING ORDINANCE NUMBER 1470, OTHERWISE KNOWN AS THE COMPREHENSIVE ZONING ORDINANCE, ARTICLE XXVII PERFORMANCE STANDARDS, SECTION B GLARE TO AMEND REGULATIONS RELATED TO LIGHT AND GLARE; PROVIDING PENALTY, SAVINGS, SEVERABILITY AND REPEALING CLAUSES; AND PROVIDING AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at its regular meeting held on the First day of September, 2016, the Planning & Zoning Commission considered and made recommendations on changes to the Comprehensive Zoning Ordinance of the City of Carrollton;

WHEREAS, Chapter 92 of the Carrollton Code of Ordinances and Article XXVII of the Comprehensive Zoning Ordinance both have provisions regarding light and glare and amendment of the ordinances will provide uniformity in the regulations;

WHEREAS, this zoning text change is in accordance with Article XXXI of the Comprehensive Zoning Ordinance, as amended;

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the ordinances and zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

Section 1.

Chapter 92 Nuisances, Section 92.56 Nuisance Glare, of the Code of Ordinances, City of Carrollton, Texas, shall be amended to read as follows:

“Sec. 92.56. - Nuisance Glare.

- (A) No use or operation shall be located or conducted as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination, nor shall any light be of such intensity as to create a nuisance or detract from the use

and enjoyment of adjacent properties. For the purposes of this section, glare or direct illumination in violation of the Comprehensive Zoning Ordinance, Article XXVII, Section B Glare, (D)(1) shall constitute a nuisance.”

Section 2.

Article XXVII Performance Standards, Section B. Glare of the Comprehensive Zoning Ordinance City of Carrollton, Texas, shall be amended to read as follows:

“SECTION B. GLARE

The purpose of this section is to minimize glare, sky glow, light trespass and excessive energy consumption to attain effective outdoor lighting through the use of appropriate lighting fixtures, practices and systems, while maintaining safety, security and productivity.

1. Light fixtures shall be hooded or a lighting source with a seal of approval for dark sky compliance or its equivalent as determined by the City Manager or designee shall be installed;
2. Light fixtures of any kind shall be oriented 90 degrees downward from any arterial street, as shown on the adopted Transportation Plan.
3. Adjustable wall-mounted fixtures shall be mounted with shielding placed such that light is projected downwards with spillage no greater than 45-degrees from the face of the building.
4. Light and Glare Standards:
 - a. There shall be no more than two tenths (0.2) of one (1) foot candle of light vertically measured five (5) feet above grade or more at the property line shining onto any adjacent residential uses or zoned property, and, more than four-tenths (0.4) of one (1) foot candle of light vertically measured five (5) feet above grade or more.
 - b. The use of mercury vapor lamps as a light source shall be prohibited.
 - c. All luminaires on property zoned or used for commercial or multi-family residential purposes visible from any street shall be so designed as to have the light source fully shielded from direct view at a point five (5) feet or greater above grade at the property line.
 - d. All luminaires on property zoned or used for commercial or multi-family residential abutting property used or zoned Single-Family Residential District shall be so designed as to have the light source fully shielded from direct view five (5) feet or greater above grade at the property line.
5. The following shall be exempted from this Section:

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- a. Lighting installed by a governmental agency for public benefit on public right-of-ways, parks and public recreations areas.
 - b. Emergency lighting by policy, fire and or municipal, state or federal governmental authorities.
 - c. All approved public and private school ball fields. Lighting for these outdoor recreational uses shall be shielded to comply with the limitations on neighborhood properties.
 - d. Outdoor advertising signs constructed of translucent or other materials and wholly illuminated from within do not require such shielding.
 - e. Temporary lighting as approved for special events.
6. Any addition, replacement, or substantial change to an existing lighting system shall, comply with the provisions of this article.”

Section 3.

Chapter 92 Nuisances, Section 92.56 Nuisance Glare of the Code of Ordinances, is hereby amended to reflect the action taken herein.

Section 4.

The Comprehensive Zoning Ordinance is hereby amended to reflect the action taken herein.

Section 5.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance, as amended, shall remain in full force and effect.

Section 6.

It is hereby declared to be the intention of the City Council that in accordance with Section 10.07 of the Carrollton City Code, the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 7.

This ordinance shall be cumulative of all provisions of ordinances of the City of Carrollton, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of

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such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 8.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Eighteenth day of October, 2016.

CITY OF CARROLLTON

By: _____
Matthew Marchant, Mayor

ATTEST:

Laurie Garber
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller
Assistant City Attorney

Loren Shapiro
Chief Planner