

From the SCCNPCT - South Congress Combined Neighborhood Plan Contact Team.

Case Number: C14-2017-0132

Project Name: 4515 S. Congress

Project Location: 134 Sheraton

Zoning Change: From CS-MU-CO-NP to CS-MU-V-NP

In conversation with the developer relating to projected units for 4515 S. Congress, the developer stated that 250 units are projected for 4515 S. Congress. 10% of the units would be affordable housing at 80% of Median Family Income with 1 unit at 60% of Median Family Income.

If the projected units would increase to 280, 25 units would be at 80% Median Family Income & 3 units would be at 60%MFI.

The SCCNPCT is requesting a restrictive covenant with commitments to the following:

1. Entrances & exits designated as **fire/emergency response** to remain designated for that use only.
 2. Onsite pet use area – designated area placed within the development. The pet population for 280 units is approximately 39 dogs – total population for dogs is 63, placing an additional burden on Battle Bend Park. The SCCNPCT would like to mitigate the effect on Battle Bend Park with an **onsite pet area**.
 3. Ensure the garage is wrapped to decrease light pollution from the development in order to minimize light pollution into residential property. Adopt outdoor lighting equal or greater to the **City of Westlake Hills lighting ordinance on areas facing Lucksinger Lane and Sheraton Avenue**. The SCCNPCT seeks to promote the effective and reasonable artificial exterior illumination within the residential and contact team area. The SCCNPCT finds that improperly designed light fixtures cause glare, light pollution, and wasted resources. In addition, glare and light pollution can result in: hazardous circulation conditions for all modes of transportation; the diminishing ability to view the night sky; light trespass; and an unattractive townscape/area.
- The residents who live in and near the Sheraton & Lucksinger area value the natural environment, including the beauty of Battle Bend Springs Park, and South Congress Ave.
 - The SCCNPCT desires to protect the health, safety and welfare of the general public, and to protect the night sky that adds to the quality of life and economic well-being of the neighborhood.

4. Widen Lucksinger Road on the development side rather than on the neighborhood side so that traffic on that street will remain the same. In addition, make sidewalk improvements on Lucksinger Lane and support street improvements on Lucksinger.
5. Include additional water retention and ensure that water isn't sent out into neighborhood along Sheraton Avenue.
6. Agreements about maintaining quality of life for neighbors during construction with go-to person, ensured via performance bond.

Voted by the South Congress Combined Neighborhood Plan Contact Team.

Draft "J"

2/21/14

CITY OF WEST LAKE HILLS

AMENDMENT No. _____

EXTERIOR LIGHTING

AN ORDINANCE ENACTING CHAPTER 24 , ARTICLE 24.03, OF THE WEST LAKE HILLS CODE OF ORDINANCES; MODIFYING THE REGULATIONS FOR OUTDOOR LIGHTING; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; CODIFICATION; PROPER NOTICE & HEARING; PURPOSE; EXTERIOR LIGHTING STANDARDS FOR ALL DISTRICTS; SPECIFIC STANDARDS FOR R-1 DISTRICTS; LIGHTING CURFEWS; PROHIBITIONS; MATERIALS AND METHODS OF INSTALLATION; EXEMPTIONS; CONFORMANCE WITH APPLICABLE CODES; PUBLIC NUISANCES; CONFLICTS; VIOLATIONS; PENALTIES INCLUDING FINES NOT TO EXCEED \$500 PER OCCURANCE WITH EACH VIOLATION CONSTITUTING A SEPARATE OFFENSE; DEFINITIONS; SCOPE; AND EXHIBITS

WHEREAS, the City Council of the City of West Lake Hills ("City Council") seeks to promote the effective and reasonable artificial exterior illumination within the City Limits; and

WHEREAS, the City was advised by an experienced lighting consultant during the creation of this Ordinance; and

WHEREAS, the City was presented with scientific studies on the health and safety risks of certain lighting devices; and

WHEREAS, the City Council finds that improperly designed light fixtures cause glare, light pollution and wasted resources; and

WHEREAS, glare and light pollution can result in: hazardous circulation conditions for all modes of transportation; the diminishing ability to view the night sky; light trespass; and an unattractive townscape; and

WHEREAS, the people who live in and near the City value the natural environment, including the beauty of the Hill Country and high quality of the night sky; and

WHEREAS, the City desires to protect the health, safety and welfare of the general public, and to protect the night sky that adds to the quality of life and economic well-being of the City; and

WHEREAS, these lighting regulations are not intended to sacrifice the safety of our citizens or visitors, or the security of property, but instead will result in safer, efficient and more cost-effective lighting; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the specific authority to regulate the use and development of land through zoning; and

WHEREAS, pursuant to Chapter 214 of the Texas Local Government Code, the City has the specific authority to adopt building codes and regulate the construction of buildings and structures; and

WHEREAS, pursuant to Chapter 217 of the Texas Local Government Code, the City has the specific authority to define, prohibit and abate public nuisances; and

WHEREAS, the City Council finds that the restrictions and amendments imposed by this Ordinance are characterized as reasonable, necessary, and proper for the good government of the City of West Lake Hills.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Lake Hills:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 24, Article 24.03 of the City of West Lake Hills Code of Ordinances is hereby amended so to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment A*.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed 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, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the ___ day of _____ 2014, by a vote of ___ (ayes) to ___ (nays) to ___ (abstentions) of the City Council of West Lake Hills, Texas.

CITY OF WEST LAKE HILLS:

by: _____

Dave Claunch, Mayor

ATTEST:

Janet Rogers, City Secretary

Attachment "A"

City of West Lake Hills

CODE OF ORDINANCES

CHAPTER 24: ENVIRONMENTAL PROTECTION

ARTICLE 24.03 OUTDOOR LIGHTING

Sec. 24.03.000 Purpose

The City of West Lake Hills is a unique and pleasant place to live. Its very special quality is derived from its rugged terrain, beautiful views, dense foliage, unspoiled creeks, wildlife, large areas of relatively low population density, and dark night skies. The primary purpose of this Article is to preserve and protect the safe and appropriate night time use and enjoyment of all properties in the community of West Lake Hills through the establishment and enforcement of reasonable and consistent exterior lighting standards. This will be accomplished by ensuring that Exterior Lighting be designed, installed, and maintained to control glare and light trespass, thereby minimizing the adverse effects of artificial light on residents, vehicle operators, and pedestrians; to conserve energy and resources; and to prevent the degradation of the night time visual environment. The standards of this Article are intended to protect the general welfare by allowing sufficient (but not excessive) lighting for walkways, driveways, building entrances, loading areas, and common areas; to minimize the adverse effects of inappropriate lighting; and to provide for the safety and security of people and property in the City of West Lake Hills, particularly at points of ingress and egress.

Sec. 24.003.001 Definitions

B-U-G Ratings: A luminaire classification system with ratings for backlight (B), up-light (U), and glare (G). The Backlight component of the rating system takes into account the amount of light in the BL, BM, BH and BVH zones depicted in Figure A below. The Up-light component takes into account the amount of light in the UH and UL zones. The Glare component takes into account the amount of light in the FH, FVH, BH and BVH zones.

Exterior Lighting: Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Non-residential fixtures that are installed indoors that cause light to shine outside are considered outdoor lighting for the intent of this Article.

Fully Shielded Luminaire: A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

Light Trespass: Light emitted from fixtures designed or installed in a manner that 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 light directly from the bulb or diffusing elements is visible from any other property then the light is trespassing onto said property.

Lumen: The unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from "watt," a measure of power consumption). For the purposes of this Article, the lumen output values shall be the initial lumen output ratings of a lamp. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.
(Abbreviated lm)

Luminaire Lumens: For luminaires with relative photometry per IES, it is calculated as the sum of the Luminaire Lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

Person: A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship.

Up-lighting: Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

Sec. 24.03.002 External Lighting Permits.

- (a) It is an offense for a person to install new exterior lighting systems after _____, 2014 without having applied for and received an exterior lighting permit from the city.
- (b) Building permits and site plans for construction of a building or structure (as those terms are defined in Article 22.03 of this Code) can only be issued concurrently with or subsequent to the issuance of an exterior lighting permit from the city.
- (c) Exterior lighting permits for new construction will be issued upon the city's approval of an exterior lighting plan submitted to the city that conforms to the standards established by this Article or for which a variance was approved by the Board of Adjustment.
 - (1) Nonresidential lighting plans require city council approval.
 - (2) Residential lighting plans for new construction require approval of the city administrator or city inspector.

(d) Applications: All exterior lighting permit applications relating to new construction shall include an exterior lighting plan to be reviewed for compliance with this Article. To be deemed administratively complete, exterior lighting plans are required to include the following:

- (1) A layout of the property with the location and mounting height of each proposed or existing light fixture.
- (2) For each proposed or existing light fixture provide:
 - (A) Fixture description including the type and wattage of the bulb(s).
 - (B) Quantity.
 - (C) Luminaire Lumens for the light fixture (total for all bulbs in the fixture).
- (3) Total Luminaire Lumens for all exterior lights in the lighting plan.

Sec. 24.03.003 Standards for all districts

(a) Shielding. All exterior lighting in all districts shall be shielded, hooded, or diffused so that the source of light is not visible from any other property and is fully shielded as defined in this Article. The mounting height, topography and proximity to other properties may cause even a fully shielded light fixture to require additional shielding to prevent the source of the light from being visible from any other property.

(b) Parking or loading areas. All lighting used to illuminate any off-street parking or loading areas shall be so designed and installed as to be confined within and directed onto the parking or loading area only.

(c) Holiday lighting.

(1) Exterior lights intended as holiday decorations are exempt from the restrictions of this article between Thanksgiving Day and January 8, unless in response to a resident complaint the city inspector deems that such lights constitute Light Trespass or interfere with the reasonable use and enjoyment of any other property.

(2) Ground mounted floodlights are permitted if they are shielded/hooded to prevent the light source from being directly visible from any other property or public streets and light output does not exceed 1,260 lumens.

(d) ATMs and Fuel Dispensing Pumps. The Luminaire Lumens per square foot of all existing and proposed lights in the area regulated by the State of Texas or the Federal Government surrounding an Automated Teller Machine (ATM) or fuel dispensing pumps shall comply with this Article except to the extent necessary to comply with requirements promulgated by the State

of Texas or the Federal Government.

Sec. 24.03.004 Standards for R-1 residential districts

(a) **Maximum Lumen limit.** Light fixtures on residential properties, unless otherwise specified at a lower limit for specific applications, are not to exceed 1,260 lumens each and shall be spaced so that the Luminaire Lumens per square foot of all lights in the illuminated area does not exceed 1.25, unless specifically allowed in this Article.

(b) **Height limit.** Light fixtures in residential districts shall not exceed a height of 25 feet measured from the ground/pavement to the bottom/base of the fixture.

(c) **Perimeter.** Light fixtures at the perimeter of the property are limited to two fixtures at the driveway entrance(s), a mailbox fixture and one additional light fixture for a footpath entry. No other perimeter lighting is permitted.

(d) **Setback lighting.** No light fixtures shall be installed in any setbacks except for lighting installed in accordance with Section 24.03.004(c).

(e) **Private walkway lighting.** Private walkway lights are not to exceed 385 lumens each and shall be included in the Maximum Lumen Limit for the property.

(f) **Security and Safety Lighting.**

(1) *Standard security and safety lighting.* Shielded, hooded, or diffused lighting installed to illuminate points of ingress and egress, such as garage doors, windows, and front doors (and not including landscaping or accent lighting), is standard security and safety lighting. Such lighting can be operated without curfew.

(2) *Manually Operated Security or Safety Lighting.* Resident-operated security lighting, such as floodlights, installed to illuminate specific areas around a residence in response to a perceived security threat is manually operated security or safety lighting. Such lighting should be turned off as soon as the perceived security threat is no more.

(3) *Motion sensing security lighting.* Lighting installed to illuminate points around a residence automatically upon detecting motion is motion sensing security lighting. Such lighting should be operated with a timer, which should be set to stay on for no longer than 10 minutes.

(g) **Sport Court Lighting.** Sport court lighting must not emit more than 30 Luminaire Lumens per square foot of playing surface. The lights must be turned off no later than 11:00 pm. Sport court lighting must be approved by the city administrator in advance of construction.

(h) Landscape/Yard lighting. Light sources for illuminating landscape features shall be shielded, hooded, or diffused and shall not be illuminated after 11:00 p.m. Individual fixtures shall not exceed 800 lumens and shall be included in the Maximum Lumen Limit for the property. A landscape lighting plan must be submitted and approved by the city administrator prior to starting installation.

(i) All residential lighting should be turned off by 11:00 p.m. with the exception of the safety and security lighting, as well as perimeter lighting as defined in this Section.

Sec 24.03.005 Standards for O, GUI, B-1, and B-2 districts.

(a) Maximum Lumen limit. Light fixtures on properties in the O, GUI, B-1 and B-2 districts are limited to 3,600 lumens each and must be spaced so that the Luminaire Lumens per square foot of all existing and proposed lights in the illuminated area do not exceed 2.5 unless specifically allowed in this Article.

(b) General parking and pedestrian areas. Light fixtures for parking and pedestrian areas in these districts shall conform to the following:

(1) Light fixtures shall not exceed a height of 25 feet measured from the ground/pavement to the bottom/base of the fixture.

(2) Light Fixtures shall be limited to two per pole and shall have a zero Up-light rating and either a zero or one Glare rating within the BUG rating system or, if not rated, shall be fully shielded and installed so that the source of light is not visible from any other property.

(3) Building-mounted wall packs shall have a zero Up-light rating and a zero Glare rating within the BUG rating system, or if not rated, shall be fully shielded and installed so that the source of light is not visible from any other property.

(4) Luminaire Lumens per square foot of illuminated area for covered parking facilities shall not exceed 5.0.

(c) Landscape / Yard lighting. Light sources for illuminating landscape features shall not be visible from any other property nor be illuminated after 11:00 p.m. Individual fixtures shall not exceed 1,050 lumens and shall be spaced so that the Luminaire Lumens per square foot of all existing and proposed lights in the illuminated area shall not exceed 1.25. A landscape lighting plan must be submitted and approved by the city council prior to starting installation. All existing outdoor lighting must be included in the plan.

(d) Light fixtures shall utilize lamps with a color temperature rating of 3,500K or below or other lamp specifications approved by the city council. This is not a design goal but a maximum allowable color temperature rating..

(e) Lighting must be turned off or have the lumen output reduced to half of normal by the later of one hour after closing or 11:00 p.m.

Sec 24.03.006 Standards for B-3 districts.

(a) Maximum Lumen limit. Light fixtures on properties in B-3 districts shall not exceed 3,600 lumens each and must be spaced so that the Luminaire Lumens per square foot of all existing and proposed lights in the illuminated area shall not exceed 2.5 unless specifically allowed in this Article.

(b) Light fixtures, whether pole or building mounted, shall not exceed a height of 28 feet measured from the ground/pavement to the bottom of the fixture (see exhibit 1).

(c) Fixtures shall be limited to four per pole and shall have a zero Up-light rating and either a zero or one Glare rating within the BUG rating system or, if not rated, shall be fully shielded and installed so that the source of light is not visible from any other property.

(d) Building-mounted wall packs shall have a zero Up-light rating and a zero Glare rating within the BUG rating system, or if not rated, shall be fully shielded and installed so that the source of light is not visible from any other property.

(e) Luminaire Lumens per square foot of illuminated area for covered parking facilities shall not exceed 5.0.

(f) Landscape lighting.

(1) Landscape lights shall be spaced so that Luminaire Lumens per square foot of all existing and proposed lights in the illuminated area shall not exceed 1.25. A landscape lighting plan must be submitted and approved by the city council prior to starting installation. All existing and proposed outdoor lighting must be included in the plan.

(A) Landscape lighting for features such as tree lighting, whose fixtures have an initial lumens rating more than 385 lumens, shall be achieved using the "moon lighting" method whereby the light source is located above and not on the ground (see exhibit 4).

(B) Light sources for illuminating landscape features shall not be visible from any other property nor be illuminated after 11:00 p.m.

(C) Lamps shall be housed in bullet style enclosures (see exhibit 5) with an extending truncated shield to maximize cutoff.

(D) Individual fixtures, which do not allow light to escape above a horizontal line through the lowest part of the fixture, shall not exceed 1,650 lumens.

(E) Individual fixtures which allow light to escape above a horizontal line through the lowest part of the fixture are not to exceed a rating of 385 lumens and shall be hooded, diffused or otherwise designed and installed so that the source of the light is not visible from any other property.

(g) Light fixtures shall utilize lamps with a color temperature rating of 4,000K or below or other lamp specifications approved by the city council. This is not a design goal but a maximum allowable color temperature rating.

(h) Lighting must be turned off or have the lumen output reduced to half of normal by the later of one hour after closing or 11:00 p.m.

Sec. 24.03.007 Prohibitions

No exterior lighting permit will be issued for, and it is an offense for a person to perform any of the following:

(a) Install street lighting.

(b) Install or operate outdoor lighting equipment dusk-to-dawn, except for the lighting of businesses that remain open 24 hours a day.

(c) Install or operate searchlights or lasers.

(d) Up-lighting. With certain exceptions, it is an offense to install or operate up-lighting. The following exceptions are allowed provided the lighting is installed so that the source of the light is shielded, hooded or diffuse so as not to be visible from any other property.

(1) Low level landscape lighting where each fixture does exceed 385 lumens, provided the fixture has a diffuser installed and the Luminaire Lumens of all the existing and proposed fixtures is limited to the lumens per square foot cap defined for that particular district.

(2) Illumination of governmental flags is required to be from above. However, flagpoles for governmental flags shorter than 22 feet tall may be illuminated with up to two spot type fixtures whose total Luminaire Lumens is no more than 75 lumens per foot, measured from the bulb to the top of the flagpole. The fixture is to be mounted with the lens perpendicular to the flagpole and the illumination pointing straight up at the flag.

(e) Light trespass. Exterior lighting shall be designed to minimize Light Trespass to preserve the rural character of the city. Light trespass is a public nuisance. It is an offense for a person to knowingly install, maintain, or operate exterior lights that shine directly into the eyes of any occupant of any vehicle on any public or private road, onto adjacent property, or where the illumination interferes with the visibility or readability of any traffic signs or devices.

Sec. 24.03.008 Exemptions from regulation

The following forms of lighting are exempt from compliance with this Article:

- (a) Lighting produced directly by the combustion of fossil fuels.
- (b) Lighting used by law enforcement, fire and other emergency services.
- (c) Lighting employed during emergency repairs of roads and utilities provided the lights are positioned so they do not shine in the eyes of passing drivers.
- (d) Lighting required by law to be installed on motor vehicles.
- (e) Lighting required for the safe operation of aircrafts.

Sec. 24.03.009 Conformance with applicable codes

- (a) All artificial outdoor lighting fixtures shall be installed and operated in conformance with the provisions of this article, chapter 32 (Signs), chapter 38 (Zoning), and all other Code provisions.
- (b) All outdoor lighting fixtures shall be installed and operated in conformance with the building code and electrical code of the city, chapter 22.
- (c) The replacement, enlargement, alteration, repair or improvement of any existing outdoor lighting equipment which becomes damaged or inoperable with equipment which does not conform to this article is prohibited. This prohibition applies to all fixtures exempted in section 24.03.005(a).

Section 24.03.010 Grandfathering

- (a) All exterior lighting installed on or before _____, 2014, that is not in conformance with this Article shall be brought into conformance with this Article within six (6) years.

Sec. 24.03.011 Variances

The Board of Adjustment is authorized to approve variances and alternate design standards for exterior lighting plans. The process and standards for consideration and determinations upon variance requests shall be as established in Article 38.02.

Sec. 24.03.012 Public nuisance

(a) Any lighting fixture erected, constructed, enlarged, altered, repaired, moved, improved, or converted contrary to the provisions of this article shall be, and the same is hereby declared to be, unlawful and a public nuisance.

(b) The city council or its appointed authority shall, as appropriate, upon order of the city council or its appointed authority, commence necessary proceedings for the abatement, removal and/or injunction of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain a permit as required by this article shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, movement, improvement or conversion of an outdoor lighting structure.

Sec. 24.03.013 Conflicts

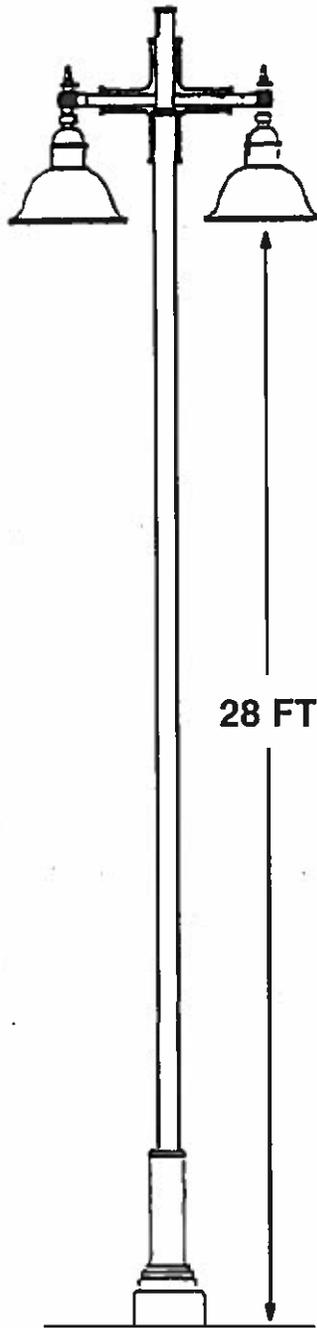
Where any provision of this article conflicts with the statutes, codes or laws of the United States of America or the state, the most restrictive shall apply unless otherwise required by law.

Sec. 24.03.014 Violations and penalties

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve or convert any exterior lighting of any type, or cause the same to be done, contrary to or in violation of any provision of this article.

(b) Any person convicted of a violation of this article shall be punished by a fine of not more than \$500.00.

EXHIBIT 1



(1996 Code, ch. 34, art. V, ex. 2)

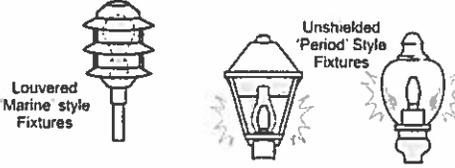
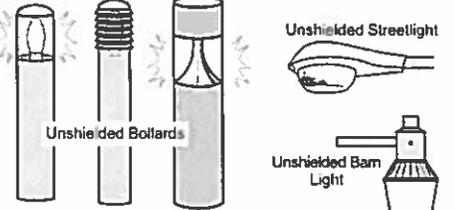
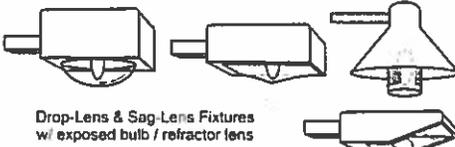
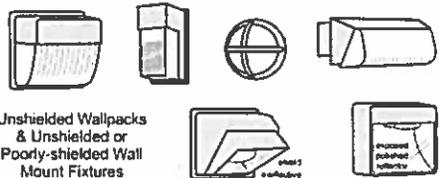
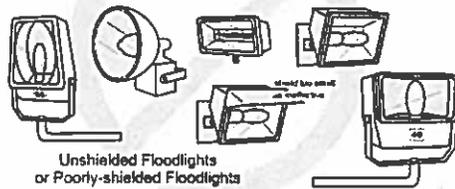
Exhibit ??

Better Lights for Better Nights

Help eliminate light pollution. Select the best fixture for your application using this guide. Use the lowest wattage bulb appropriate for the task and turn off the light when it's not being used.

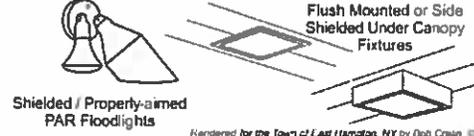
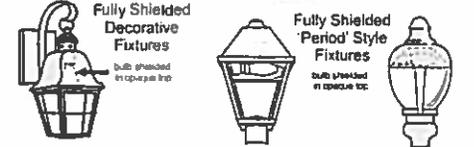
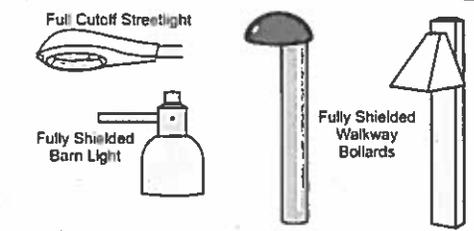
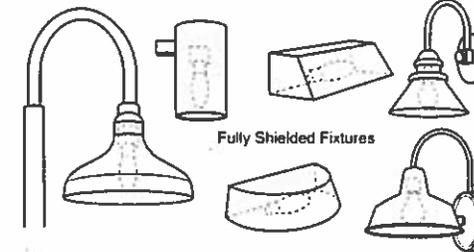
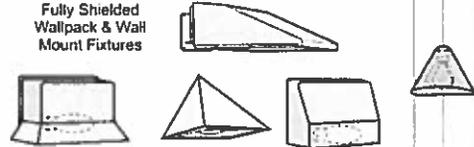
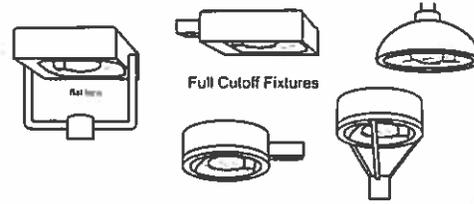
Unacceptable / Discouraged

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



Rendered for the Town of East Hampton, NY by Bob Crelin ©2010

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