

**CITY OF PINEY POINT VILLAGE
CITY COUNCIL**

Aliza Dutt, Mayor
Michael Herminghaus, Council Position 1
Dale Dodds, Council Position 2
Joel Bender, Council Position 3, Mayor Pro Tem
Margaret Rohde, Council Position 4
Jonathan C. Curth, Council Position 5



**CITY HALL
7660 WOODWAY DRIVE SUITE 460
HOUSTON, TEXAS 77063**

Robert Pennington, City Administrator
David Olson, City Attorney

Phone (713) 782-0271
www.cityofpineypoint.com

**THE CITY OF PINEY POINT VILLAGE
SPECIAL COUNCIL MEETING AND WORKSHOP
MONDAY, OCTOBER 7, 2024
6:00 PM**

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE WILL HOLD A SPECIAL COUNCIL MEETING AND WORKSHOP ON MONDAY, OCTOBER 7, 2024, AT 6:00 P.M. LOCATED AT 7660 WOODWAY DRIVE, SUITE 593, HOUSTON, TEXAS 77063, TO DISCUSS THE AGENDA ITEMS LISTED BELOW. (Note that the meeting will be conducted in Suite 593, on the 5th floor, due to construction).

- I. DECLARATION OF QUORUM AND CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZENS WISHING TO ADDRESS COUNCIL** - *Any person with city-related business may speak to the Council. In compliance with the Texas Open Meetings Act, if a member of the public comments or inquires about a subject that is not explicitly identified on the agenda, a member of the Council or a Staff Member may only respond by stating specific factual information or reciting existing policy. The City Council may not deliberate or vote on the non-agenda matter.*
- IV. WORKSHOP**
 - A.** Park Ordinance.
 - B.** Generator Ordinance.
 - C.** Building Orientation.
 - D.** Outdoor Lighting.
 - E.** Permitted Signs.
 - F.** School Zone Ordinance.
 - G.** Prohibited Parking.
 - H.** Construction & Related Building Activities.
- V. AGENDA ITEMS**
 - 1.** Consideration and possible action regarding workshop items listed (A-H), including School Zone Ordinance, Prohibited Parking in School Area, Construction & Related Activities, Permitted Signs, Outdoor Lighting, Park Ordinance, Generator Ordinance, and/or Building Orientation.

VI. EXECUTIVE SESSION

2. The City Council will now hold a closed executive meeting pursuant to the provision of Chapter 551, Texas Government Code, in accordance with the authority contained in:
 - a) **Section 551.071**- Consultation with City Attorney.
 - b) **Section 551.072**- Deliberating the lease of real property.
 - c) Reconvene into an open session.
3. Consideration and possible action on items discussed in the Executive Session.

VII. ADJOURNMENT**CERTIFICATION**

I certify that a copy of the October 7, 2024, agenda of items to be considered by the Piney Point Village City Council was posted in a place convenient to the public on October 4, 2024, in compliance with Chapter 551 of the Texas Government Code.



Robert Pennington
City Administrator / City Secretary



In compliance with the Americans with Disabilities Act, the City of Piney Point Village will provide reasonable accommodations for persons attending City Council meetings. This facility is wheelchair-accessible, and accessible parking spaces are available. To better serve you, your requests should be received 48 hours before the meeting. Please contact Robert Pennington at 713-230-8703. The City Council reserves the right to adjourn into a Closed Executive Session at any time under the Texas Government Code, Section 551.071 to consult with an attorney.

TO: Mayor and City Council

FROM: M. Rohde, Councilmember
R. Pennington, City Administrator

MEETING DATE: October 7, 2024

SUBJECT: WORKSHOP – Park Ordinance.

Agenda Item: A

Summary:

In response to complaints about homelessness, the council has requested the drafting of a park ordinance to address the safety of transients who occupy our parks and public spaces for unintended uses.

Current Proposal:

1. **Comprehensive Ordinance:** The ordinance prohibits entering restricted areas, staying in parks after closing hours, camping in unauthorized areas, consuming alcohol in open containers, leaving unattended hand carts, and matters of public decency.
2. **Proposed Additions and Revisions:** These are the redline changes from the original draft submitted to the council.
 - a. Hours: The daily closing hours for all community parks are from 11:00 p.m. to 5:00 a.m.
 - b. Camping: Camping shall be defined to include sleeping or living overnight in the open air without a shelter or sleeping or living overnight in a temporary, portable, or mobile shelter or vehicle.
 - c. Protection of City Property: Any vandalism, defacement or destruction on and of city loaned, leased or owned property shall be a Class C misdemeanor offense, and violation shall be subject to a fine.
 - d. Penalties: Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount as provided by Section 1-11 of the City's Code of Ordinances. Each day of violation shall constitute a separate offense.

Other Methods and Rulings:

1. **SCOTUS Ruling:** The initial proposal comes after clarity from the U.S. Supreme Court's decision in the case of City of Grants Pass v. Johnson, as well as recent action in California to dismantle homeless encampments. The Supreme Court's ruling allows local governments to enforce bans on homeless people sleeping outdoors, even if there is no

available shelter space. This decision reversed a previous ruling by a San Francisco-based appeals court that had restricted such enforcement. The ruling is seen as providing clarity and authority to local officials, who have been limited by legal ambiguities in addressing homelessness. The Supreme Court's decision is likely to lead to a reevaluation of homelessness policies nationwide, with potential shifts towards more enforcement-oriented strategies, while also sparking discussions on sustainable, long-term solutions.

2. **Regional Implementation:** Have the Memorial Villages collaborate with Harris County and the City of Houston to implement similar measures as California's, which would not only address park misuse but also directly improve the homeless problem.

Attachment:

DRAFT Park Summary and Ordinance

Proposed Ordinance Amendments on City Parks

NOTE: Proposed edits made since last Council discussion on September 23rd are redlined

1. **Restricted areas.** It shall be unlawful for any person to enter or remain in a park or recreation area that is designated as restricted or is closed during designated hours. Restricted areas will be designated by posted signs.
2. **Curfews.** With the exception of designated camping areas and exempt events, individuals are prohibited from entering or remaining in any park while the park is closed. Events that are approved in advance by a city official as exempt from curfew restrictions will be specified by the designated city official. The daily closing hours for all community parks are from 11:00 a.m. to 5:00 a.m., and these closing hours will be visibly posted at all parks.
3. **Camping.** It shall be unlawful for any person, family, or other groups of persons to camp in a park or recreation area or any other public place within the corporate limits. Camping shall be defined to include sleeping or living overnight in the open air without a shelter, or sleeping or living overnight in a temporary, portable or mobile shelter or vehicle. The prohibition of this paragraph does not apply to camping under a city-sponsored or authorized event.
4. **Alcoholic beverage in an open container.** It is prohibited for any individual to consume or possess an alcoholic beverage in an open container in a park, recreation area, or any other public place within the city boundaries.
 - a. There exists a rebuttable presumption that an individual in possession of an alcoholic beverage in an open container intends to consume the beverage.
 - b. It is a valid defense against prosecution under this provision if the individual consumed or possessed the alcoholic beverage in an open container at a time and place where the sale or consumption of alcoholic beverages is permitted under a special events permit or obtained from a city-sponsored or authorized event.
5. **Displays and hand carts.** It is prohibited for any individual, family, or group to place or maintain an unattended display or hand cart in a park, recreation area, or any public space within the city's jurisdiction.
 - a. An unattended display encompasses any visual depiction or expression of an idea, such as a picture, statue, or symbol, where the responsible party is not present or in close proximity to the displayed item.
 - b. A hand cart is defined as a basket mounted on wheels or a similar device primarily utilized by customers to transport goods within a retail establishment.
 - c. The city reserves the right to remove any display or hand cart found to be in violation of this regulation.
 - d. This prohibition does not extend to an unattended display or hand cart necessitated by, or placed by, the city or another governmental entity for official purposes.

6. **Public urination and defecation.** A violation of this section is declared a nuisance and may be within the city limits. A person commits an offense if the person urinates or defecates:
- a. In or on a public street, alley, sidewalk, yard, park, building, structure, plaza, or right-of-way, or any other public place;
 - b. In any place that may be seen from a residence; or
 - c. In public or open view.
 - d. It is an affirmative defense to prosecution under this section if the person is in a restroom using a receptacle designed for urination or defecation.

7. **Protection of City Property.** Any vandalism, defacement or destruction on and of city loaned, leased or owned property shall be a Class C misdemeanor offense, and violation shall be subject to a fine.

8. **Penalties.** Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount as provided by Section 1-11 of the City's Code of Ordinances. Each day of violation shall constitute a separate offense.

ORDINANCE NO. _____

AN ORDINANCE OF THE PINEY POINT VILLAGE, TEXAS, AMENDING CHAPTER 46 –STREETS, SIDEWALKS AND OTHER PUBLIC PLACES OF THE CODE OF ORDINANCES BY CREATING A NEW SECTION 46-4. CITY PARKS REGARDING REGULATIONS FOR CITY PARKS AND OTHER CITY PROPERTY, RELATED OFFENSES, DELETING DUPLICATE PROVISIONS, CONTAINING A PENALTY AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City recognizes that miscellaneous provisions and offenses are necessary to protect the City's image, maintain a safe community, and enhance the overall quality of life.

WHEREAS, such regulations have been established below are meant to protect, preserve, and promote the safety and welfare of the public, including but not limited to ensuring the physical safety of residents and visitors.

WHEREAS, the City Council of the City of Piney Point Village, Texas, has determined that amendments should be made to Chapter 46 –Streets, Sidewalks And Other Public Places by adding a new Section 46-4 –City Parks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS, THAT:

Section 1. The recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

Section 2. **Chapter 46 –Streets, Sidewalks And Other Public Places** of the Code of Ordinances of the City of Piney Point Village, Texas, is hereby amended to read to add **Section 46-4 –City Parks**, as set out in Appendix A, attached hereto.

Section 3. All other portions of the Piney Point Village Planning and Zoning Code not specifically amended hereby remain in full force and effect.

Section 4. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 5. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 6. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED, APPROVED, AND RESOLVED this _____ day of _____, 2024.

Aliza Dutt
Mayor

Attest:

Robert Pennington
City Administrator / City Secretary

ATTACHMENT A

Chapter 46

Article I.

Section 46-4 -City Parks

Sec. 46-4 City Parks.

(a) *Restricted areas.* It shall be unlawful for any person to enter or remain in a park or recreation area that is designated as restricted or is closed during designated hours. Restricted areas will be designated by posted signs.

(b) *Curfews.* With the exception of designated camping areas and exempt events, individuals are prohibited from entering or remaining in any park while the park is closed. Events that are approved in advance by a city official as exempt from curfew restrictions will be specified by the designated city official. The daily closing hours for all community parks are from 11:00 p.m. to 5:00 a.m., and these closing hours will be visibly posted at all parks.

(c) *Camping.* It shall be unlawful for any person, family, or other groups of persons to camp in a park or recreation area or any other public place within the corporate limits. Camping shall be defined to include sleeping or living overnight in the open air without a shelter, or sleeping or living overnight in a temporary, portable or mobile shelter or vehicle. The prohibition of this paragraph does not apply to camping under a city-sponsored or authorized event.

(d) *Alcoholic beverage in an open container.* It is prohibited for any individual to consume or possess an alcoholic beverage in an open container in a park, recreation area, or any other public place within the city boundaries.

(1) There exists a rebuttable presumption that an individual in possession of an alcoholic beverage in an open container intends to consume the beverage.

(2) It is a valid defense against prosecution under this provision if the individual consumed or possessed the alcoholic beverage in an open container at a time and place where the sale or consumption of alcoholic beverages is permitted under a special events permit or obtained from a city-sponsored or authorized event.

(e) *Displays and hand carts.* It is prohibited for any individual, family, or group to place or maintain an unattended display or hand cart in a park, recreation area, or any public space within the city's jurisdiction.

(1) An unattended display encompasses any visual depiction or expression of an idea, such as a picture, statue, or symbol, where the responsible party is not present or in close proximity to the displayed item.

(2) A hand cart is defined as a basket mounted on wheels or a similar device primarily utilized by customers to transport goods within a retail establishment.

(3) The city reserves the right to remove any display or hand cart found to be in violation of this regulation.

(4) This prohibition does not extend to an unattended display or hand cart necessitated by, or placed by, the city or another governmental entity for official purposes.

(f) *Public urination and defecation.* A violation of this section is declared a nuisance and may be within the city limits. A person commits an offense if the person urinates or defecates:

(1) In or on a public street, alley, sidewalk, yard, park, building, structure, plaza, or right-of-way, or any other public place;

(2) In any place that may be seen from a residence; or

(3) In public or open view.

It is an affirmative defense to prosecution under this section if the person is in a restroom using a receptacle designed for urination or defecation.

(g) *Protection of City Property.* Any vandalism, defacement or destruction on and of city loaned, leased or owned property shall be a Class C misdemeanor offense, and violation shall be subject to a fine.

(h) *Penalties.* Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount as provided by Section 1-11 of the City's Code of Ordinances. Each day of violation shall constitute a separate offense.

TO: Mayor and City Council

FROM: M. Rohde, Councilmember
R. Pennington, City Administrator

MEETING DATE: October 7, 2024

SUBJECT: WORKSHOP – Generator Permit Process

Agenda Item: B

Summary:

The council has officially requested a review of our generator permit process in response to complaints about its complexity and timing. The staff acknowledges the need to streamline the process while maintaining appropriate regulations on the placement and operating usage of the equipment.

Purpose:

The current generator ordinance needs updating to reflect current standards and provide safe locations for residents to place generators. After weather events, there were carbon monoxide incidents, so CO detection systems should be required. The new standards have been discussed with the fire department, and noise nuisance standards remain in place. The city's pre-inspection should include noise level calculations and recommendations for quieter generators and installation locations can be made.

Updated Considerations:

1. Could we request a separate inspection by the Fire Marshal for generators located close to the house? This is to ensure that the minimum clearance requirements are met and to further mitigate carbon monoxide issues. Is it possible for the city to arrange for the MVFD Fire Marshal to conduct this inspection, and how much would it cost the homeowner?
2. Also, at what stage in the process would it be best to conduct the "location and clearance" inspection, so that the city can ensure the generator is placed in a permissible location and that all safety factors and clearances have been considered?

Primary Thoughts & Deliberations:

1. **Fire Code:** An idea is to consider situating the generator closer to the residential building, which is advantageous for side lots. In case of emergencies, our staff will hold discussions with the VFD and their Fire Marshal to determine if a clearance of more than 24 inches is required between the generator and the home structure. Research indicates that a 36-inch clearance is recommended for "emergency access," while some other municipalities require either 18 or 24 inches. The initial response from VFD recommends Generac and

Kohler, with Generac citing NFPA 37 and emphasizing a minimum clearance of eighteen inches. Considering vegetation, openings, and less obvious entry points for CO. CO entering through attic vents was a major issue during the storm.

2. **Side Yards:** For corner lots, specific regulations may need to be established. The regulations should address whether generators are allowed in a side yard, including those adjacent to the street. If permitted, it should be determined if a fence line is required. It is important to establish the allowable specifications for generators near AC equipment under these circumstances.
3. **Enclosures:** The use of the term "enclosure" in the permit specifications seems unclear, apart from its potential role in reducing noise. It's difficult to imagine a situation where a property owner would build an additional structure solely for a generator. If this requirement isn't practically relevant, it would be wise to remove it from consideration.
4. **Elevations:** When installing generators in flood-prone areas, should they be above ground, or should homeowners seek a variance? Different cities have different regulations, such as a 14-inch requirement in Bellaire and unique definitions in League City. If the pad is in a Special Flood Hazard Area, it should be at Base Flood Elevation plus 24 inches. Ground-mounted pads must use formed and poured concrete, with prefabricated pads and cinder blocks prohibited.
5. **Electric Generators:** Expand the current code to include standby electric generators.
6. **Noise:** The existing ordinance (Sec. 26-2) prohibits a generator from exceeding 75 DBA at 23 feet. Determine if the level is still appropriate.

Other Notes:

1. **Hedwig Village:** There is no specific ordinance or code regarding generators.
2. **Hunters Creek:** Generators are exempt from building setback requirements for accessory structures except when located in a front yard or in front of a residence. They can only be operated during power outages or for maintenance and must adhere to the manufacturer's recommendations. Additionally, any structure enclosing a generator must comply with accessory structure regulations, and generators should be set to minimize noise.
3. **Spring Valley:** There are no specific rules about the location or placement of generators, except for the noise pollution ordinance during power outages.
4. **Bunker Hill:** Generators must comply with the National Electrical Code, 2020, and meet these restrictions: 1) Wiring must meet code requirements 2) Max 70 dB sound level at the property line 3) 24-inch clearance from structures 4) Cannot be in certain areas 5) Load analysis, generator specs, and electrical diagram must be on site with the permit.

Attachments:

DRAFT Summary and Ordinance Redline

Proposed Ordinance on Standby Electric Generators

Purpose:

--The City's current generator ordinance was created when the technology was emerging for residential use and cost for these standby electric generators was prohibitive for many home owners. The initial ordinance was short, lacking definitions and proper language as to placement.

--After experiencing two major weather events this year, where power was out in much of the City for over 7 days, there is an increased interest in revising this ordinance to bring it up to current manufacturer's standards, as well as providing additional safe locations for residents to place such generators, should they choose to want to add this technology to their homes.

--Be aware that there were 3 separate incidents after Hurricane Beryl where MVFD was dispatched to area homes with apparent carbon monoxide levels due to standby generators (not portable ones). It was determined that exhaust from the generators somehow entered these homes, given the wind conditions, even though the location of the generator had the necessary clearances. The City should take additional steps to ensure that homes that install generators also have a CO detection system, to add additional layers of safety.

--The new standards included in this draft have been discussed with the MVFD and Fire Marshall, including whether additional emergency access is needed between the generator and the home structure. They will support the manufacturers' recommendations on clearance (min. 18 inches) along with proper placement away from any openings.

--The amended ordinance leaves the current noise nuisance standard in place, which is any level exceeding "75dBA at 23 feet from the generator unit". The drafted ordinance does require sound attenuated enclosures on all generators (which should come standard with most commercially-available units) and a large number of generators currently have noise ratings in the mid-50s to upper 60s range. The City's pre-inspection should include calculations on estimated dBAs, given the manufacturer's specs and distance to property lines. Note residents and neighbors have different tolerance levels of noise, and the City could recommend quieter (but likely more expensive) generators, locations that would be quieter or provide less reflective surfaces for sound, or the installation of outdoor acoustic barriers.

--OUTSTANDING QUESTION: Can we require a separate Fire Marshall inspection for generators that are close to the house, to ensure that the minimum clearance requirements have been met and further mitigate CO issues? Is this something the City could contract with the MVFD Fire Marshall to conduct (and what would inspection cost the homeowner)?

--OUTSTANDING QUESTION: At what point in the process would the "location and clearance" inspection be best, so that the City can ensure the generator is placed in a permissible location and that all safety factors and clearances have been considered?

PROPOSED NEW ORDINANCE & CHANGES TO EXISTING ORDINANCES CONTAINING GENERATOR PROVISIONS

Sec. 74.244. Regulations

- (a) *Accessory buildings and structures.* Except as provided immediately below, or specifically permitted otherwise in this chapter, no accessory building shall be erected in any yard as required by subsection (c).
- (1) *Rear yard.* A structure or accessory building not attached or made a part of the main building may be placed not less than ten feet from the rear property line, provided that all of such structure or accessory building is with the rear third of the lot.

- (2) *Side yard.* An accessory structure or accessory building not attached to or made a part of the main building, may be placed not less than ten feet from a side property line, provided that all such accessory structure or accessory building is within the rear third of the lot. Notwithstanding the foregoing, air conditioning and heating equipment, and/or mosquito equipment may be placed within the side yard so long as it is:
 - a. Located no less than ten feet from the side property line;
 - b. Located within six feet of the main structure; and
 - c. Screened so it cannot be viewed from the street.
- (3) *Equipment/residential structures.* Air conditioning/heating equipment, swimming pool equipment and mosquito equipment are not allowed on any roof or front yard of any residential structure.

~~(4) *Generator.* The generator may only be located:~~

- ~~a. On the ground;~~
- ~~b. No less than ten feet from the property line; and~~
- ~~c. At least five feet from the building.~~

~~No generator shall be located in front of the main structure. The generator must be screened from the public view by shrubbery and be fueled only by natural gas. Sound shielding and screening is subject to city approval design.~~

- (g) *Building area.* The building area, exclusive of driveways and uncovered walkways, shall not exceed 30 percent of the lot area, exclusive of roadway easements; and the building area, inclusive of all structures (including driveways, tennis or other play courts, uncovered walkways, all other structures and impervious surfaces), shall not exceed 50 percent of the lot area. Notwithstanding, the area for a duly-permitted generator pad on lots with dwelling structures then existing as of December 1, 2024 shall be excluded from the calculation of building area.

Sec. 74-247. Standby Electric Generators

(a) Definitions.

- (1) Standby Electric Generator: (Also referred to as “generator”) is a device that converts mechanical energy to electrical energy, is fully enclosed in an integral manufacturer-supplied sound attenuating enclosure, is connected to the main electrical panel of a residence by a manual or automatic transfer switch, and is rated for a generating capacity of not less than seven (7) kilowatts.
- (2) Generator Structure: includes the foundation pad, the generator device, any manufactured-supplied sound attenuating enclosure, and any raised pedestal, if required for proper installation.

(b) Generally. Standby electric generators may be installed and maintained for the purpose of providing electric power during time periods when normal electric service is unavailable. Generators must be permitted by the city and must be fueled by natural gas.

(c) Location.

- (1) Generators are required to meet the following building setback requirements:
 - a. Front Yard: No generator shall be located in a front yard or in front of the front building line of any residence.

b. Rear Yard: A generator may be placed in the rear yard, as long as the entire generator structure is not less than ten (10) feet from the rear property line.

c. Side Yard: A generator may be placed in the side yard, as long as the entire generator structure is no less than ten (10) feet from the side property line.

(2) No portion of the generator structure may be located in or across any right-of-way or ground easement, and no portion of the generator structure may be placed over ground-level drainage structures.

(3) The generator structure shall be located so it is not directly underneath any structure, roof, overhang, or projection from the wall.

(4) The generator shall not be placed in a location with airflow restrictions, including structural corners and heavy vegetation.

(5) The base of the generator equipment must not lie in the floodplain. Any generator foundation or pedestal needing to be higher than fourteen (14) inches above the ground to comply with flood plain requirements is subject to approval from the city building official.

(d) Minimum distances from other structures.

(1) Buildings. If the generator is to be located adjacent to a building, the minimum distance between the generator structure and the building shall be the greater of:

a. The length required by manufacturers' specifications for the generator model to be installed, or

b. The length required by manufacturer's specifications for the building's exterior composition, or

c. Five (5) feet.

(2) Exception for Placement Adjacent To An Existing Building. If the generator is to be located adjacent to a building, then existing as of December 1, 2024, the distance requirement to meet Section 74-247(d)(1)(c) may be reduced if:

a. Notwithstanding the distance between the generator structure and the building being less than five (5) feet, the generator structure is placed at the maximum distance possible from the building so no part of the generator structure encroaches the adjacent building line, and

b. The minimum distance between the generator and the building is not less than twenty-four (24) inches, and

c. The minimum distances required under the remainder of Section 74-247(d)(1) are met.

(3) Building Openings. The minimum distance between the generator structure and any door, operable window, garage door, basement window, attic vent, air intake or exhaust pipes, dryer vent, wall cracks, or other openings in the building wall, ceiling or roof shall be the greater of five (5) feet or that length required by manufacturers' specifications for the generator model to be installed.

(4) Vegetation. The minimum distance between the generator structure and vegetation, including trees, shrubs and bushes, shall be the greater of three (3) feet or that length required by manufacturers' specifications for the specific generator model to be installed.

(5) The generator must meet all additional horizontal and vertical distance requirements as specified by the manufacturer for the generator model to be installed.

(e) Screening and Enclosures.

(1) All generators must be screened so it cannot be visible

- a. from the ground by adjacent side or rear lots, and
- b. from the street.
- (2) Any structure intended to enclose or screen a generator, other than a structure designed solely for sound attenuation, shall be considered an accessory structure and must comply with all requirements of this division applicable to accessory structures.
- (3) The design and materials used for generator screenings and enclosures is subject to approval by the city building official.

(f) Installation, Inspection and Operation.

- (1) All generators must be installed and operated in compliance with the applicable manufacturer's recommendations.
- (2) Permit inspections by the City or its designee shall include a minimum of two onsite inspections:
 - a. Pre-site inspection to ensure compliance with proper location and minimum distances of the generator structure;
 - b. Final inspection to include workable operation of the generator.
- (3) A load analysis, generator specifications, and one-line electrical diagram must be posted with the permit on the project site.
- (4) Permit inspection requirements for generators shall be based on the manufacturer's installation manual, the City's building codes and standards as adopted by Ordinance, and the National Fire Protection Association ("NFPA") standards, whichever standard is the most restrictive.
- (5) No generator shall be operated except when necessary to provide electric power during time periods when normal electric service is unavailable, when operating under exercise mode, or when necessary for maintenance or repair.
- (6) A generator's exercise mode shall not be timed for performance during non-daylight hours.

(g) Sound attenuation. All generators shall be installed, maintained, and operated in such manner as to reduce, to the greatest extent reasonably possible, the volume of sound produced by their operation. The maximum sound level at any time shall be 75 DBA measured at 23 feet from the generator under normal load.

(h) Additional requirements. Any generator located less than five (5) feet from a building that is designed or used as a residential dwelling must meet the following requirements:

- (1) Obtain a passing inspection by the Fire Marshall as to meeting minimum clearance requirements between the generator and other structures; and
- (2) Install and properly maintain a carbon monoxide detecting system inside the adjacent building, under rules established by the City building official.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PINEY POINT VILLAGE, TEXAS, AMENDING CHAPTER 74, ARTICLE IV. SECTION 74-244 -REGULATIONS, OF THE CODE OF ORDINANCES, REGARDING GENERATORS AND BUILDING AREA CALCULATIONS, AND CREATING A NEW SECTION 74-247 – STANDBY ELECTRIC GENERATORS, REGARDING THE PERMITTING, LOCATION, INSTALLATION AND OPERATION OF RESIDENTIAL STANDBY ELECTRIC GENERATORS.

* * * * *

WHEREAS, the zoning regulations and district established in Chapter 74 of the Code of Ordinance have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety and general welfare of the city and its inhabitants; and

WHEREAS, such regulations and such district have been designed to lessen congestion on the streets; to secure safety from fire, panic and other dangers; to facilitate adequate provisions of transportation, particularly in times of natural disaster when timely evacuation is critical for the protection of lives; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate adequate provisions of water, sewage, schools, parks and other public requirements; and

WHEREAS, these regulations have been made with reasonable consideration of the character of the city and its suitability for a particular use, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the City Council of the City of Piney Point Village, Texas and the Planning and Zoning Commission of the City of Piney Point Village, Texas have each held a public hearing to consider possible amendments to the Piney Point Village Code of Ordinances; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the Planning and Zoning Commission of Piney Point Village, Texas submitted its written recommendation to the City Council of the City of Piney Point Village, Texas, concerning proposed amendments to Chapter 74, Article IV., Section 74-244 - Regulations, and a new Section 74-247 -Standby Electric Generators, relating to residential generators; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the City Council of the City of Piney Point Village, Texas has considered the recommendation of the Planning and Zoning Commission, concerning the proposed amendments to Chapter 74, Article IV., Section 74-244 - Regulations, and a new Section 74-247 -Standby Electric Generators relating to residential generators; and

WHEREAS, the City Council of the City of Piney Point Village, Texas, has concluded that amendments should be made to Chapter 74, Article IV., Section 74-244 - Regulations, and a

new Section 74-247 -Standby Electric Generators relating to residential generators should be added to the Piney Point Village Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS, THAT:

Section 1. The recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

Section 2. Chapter 74, Article IV., Section 74-244 -Regulations, of the Code of Ordinances of the City of Piney Point Village, Texas is hereby amended to read as set forth in Appendix A, attached hereto.

Section 3. Chapter 74, Article IV., Section 74-247 -Standby Home Generators, is hereby added to the Code of Ordinances of the City of Piney Point Village, Texas, to read as set forth in Appendix A, attached hereto.

Section 4. All other portions of the Piney Point Village Code of Ordinances not specifically amended hereby remain in full force and effect.

Section 5. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 6. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 7. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED, APPROVED, AND RESOLVED this _____ day of _____, 2024.

Aliza Dutt
Mayor

Attest:

Robert Pennington
City Administrator / City Secretary

ATTACHMENT A

Chapter 74

Article IV.

Section 74-244 –Regulations

Sec. 74-244. Regulations.

- (a) *Accessory buildings and structures.* Except as provided immediately below, or specifically permitted otherwise in this chapter, no accessory building shall be erected in any yard as required by subsection (c).
- (1) *Rear yard.* A structure or accessory building not attached or made a part of the main building may be placed not less than ten feet from the rear property line, provided that all of such structure or accessory building is with the rear third of the lot.
- (2) *Side yard.* An accessory structure or accessory building not attached to or made a part of the main building, may be placed not less than ten feet from a side property line, provided that all such accessory structure or accessory building is within the rear third of the lot. Notwithstanding the foregoing, air conditioning and heating equipment, and/or mosquito equipment may be placed within the side yard so long as it is:
- Located no less than ten feet from the side property line;
 - Located within six feet of the main structure; and
 - Screened so it cannot be viewed from the street.
- (3) *Equipment/residential structures.* Air conditioning/heating equipment, swimming pool equipment and mosquito equipment are not allowed on any roof or front yard of any residential structure.
- ~~(4) *Generator.* The generator may only be located:~~
- ~~On the ground;~~
 - ~~No less than ten feet from the property line; and~~
 - ~~At least five feet from the building.~~
- ~~No generator shall be located in front of the main structure. The generator must be screened from the public view by shrubbery and be fueled only by natural gas. Sound shielding and screening is subject to city approval design.~~
- (g) *Building area.* The building area, exclusive of driveways and uncovered walkways, shall not exceed 30 percent of the lot area, exclusive of roadway easements; and the building area, inclusive of all structures (including driveways, tennis or other play courts, uncovered walkways, all other structures and impervious surfaces), shall not exceed 50 percent of the lot area. Notwithstanding, the area for a duly-permitted generator pad on lots with dwelling structures then existing as of December 1, 2024 shall be excluded from the calculation of building area.

Chapter 74

Article IV.

Section 74-247 –Standby Electric Generators

Sec. 74-247. Standby Electric Generators

(a) Definitions.

- (1) Standby Electric Generator: (Also referred to as “generator”) is a device that converts mechanical energy to electrical energy, is fully enclosed in an integral manufacturer-supplied sound attenuating enclosure, is connected to the main electrical panel of a residence by a manual or automatic transfer switch, and is rated for a generating capacity of not less than seven (7) kilowatts.
- (2) Generator Structure: includes the foundation pad, the generator device, any manufactured-supplied sound attenuating enclosure, and any raised pedestal, if required for proper installation.

(b) Generally. Standby electric generators may be installed and maintained for the purpose of providing electric power during time periods when normal electric service is unavailable. Generators must be permitted by the city and must be fueled by natural gas.

(c) Location.

- (1) Generators are required to meet the following building setback requirements:
 - a. Front Yard: No generator shall be located in a front yard or in front of the front building line of any residence.
 - b. Rear Yard: A generator may be placed in the rear yard, as long as the entire generator structure is not less than ten (10) feet from the rear property line.
 - c. Side Yard: A generator may be placed in the side yard, as long as the entire generator structure is no less than ten (10) feet from the side property line.
- (2) No portion of the generator structure may be located in or across any right-of-way or ground easement, and no portion of the generator structure may be placed over ground-level drainage structures.
- (3) The generator structure shall be located so it is not directly underneath any structure, roof, overhang, or projection from the wall.
- (4) The generator shall not be placed in a location with airflow restrictions, including structural corners and heavy vegetation.
- (5) The base of the generator equipment must not lie in the floodplain. Any generator foundation or pedestal needing to be higher than fourteen (14) inches above the ground to comply with flood plain requirements is subject to approval from the city building official.

(d) Minimum distances from other structures.

- (1) Buildings. If the generator is to be located adjacent to a building, the minimum distance between the generator structure and the building shall be the greater of:
 - a. The length required by manufacturers’ specifications for the generator model to be installed, or
 - b. The length required by manufacturer’s specifications for the building’s exterior composition, or

c. Five (5) feet.

(2) Exception for Placement Adjacent To An Existing Building. If the generator is to be located adjacent to a building, then existing as of December 1, 2024, the distance requirement to meet Section 74-247(d)(1)(c) may be reduced if:

a. Notwithstanding the distance between the generator structure and the building being less than five (5) feet, the generator structure is placed at the maximum distance possible from the building so no part of the generator structure encroaches the adjacent building line, and

b. The minimum distance between the generator and the building is not less than twenty-four (24) inches, and

c. The minimum distances required under the remainder of Section 74-247(d)(1) are met.

(3) Building Openings. The minimum distance between the generator structure and any door, operable window, garage door, basement window, attic vent, air intake or exhaust pipes, dryer vent, wall cracks, or other openings in the building wall, ceiling or roof shall be the greater of five (5) feet or that length required by manufacturers' specifications for the generator model to be installed.

(4) Vegetation. The minimum distance between the generator structure and vegetation, including trees, shrubs and bushes, shall be the greater of three (3) feet or that length required by manufacturers' specifications for the specific generator model to be installed.

(5) The generator must meet all additional horizontal and vertical distance requirements as specified by the manufacturer for the generator model to be installed.

(e) Screening and Enclosures.

(1) All generators must be screened so it cannot be visible

a. from the ground by adjacent side or rear lots, and

b. from the street.

(2) Any structure intended to enclose or screen a generator, other than a structure designed solely for sound attenuation, shall be considered an accessory structure and must comply with all requirements of this division applicable to accessory structures.

(3) The design and materials used for generator screenings and enclosures is subject to approval by the city building official.

(f) Installation, Inspection and Operation.

(1) All generators must be installed and operated in compliance with the applicable manufacturer's recommendations.

(2) Permit inspections by the City or its designee shall include a minimum of two onsite inspections:

a. Pre-site inspection to ensure compliance with proper location and minimum distances of the generator structure;

b. Final inspection to include workable operation of the generator.

(3) A load analysis, generator specifications, and one-line electrical diagram must be posted with the permit on the project site.

(4) Permit inspection requirements for generators shall be based on the manufacturer's installation manual, the City's building codes and standards as adopted by Ordinance, and the National Fire Protection Association ("NFPA") standards, whichever standard is the most restrictive.

(5) No generator shall be operated except when necessary to provide electric power during time periods when normal electric service is unavailable, when operating under exercise mode, or when necessary for maintenance or repair.

(6) A generator's exercise mode shall not be timed for performance during non-daylight hours.

(g) *Sound attenuation.* All generators shall be installed, maintained, and operated in such manner as to reduce, to the greatest extent reasonably possible, the volume of sound produced by their operation. The maximum sound level at any time shall be 75 DBA measured at 23 feet from the generator under normal load.

(h) *Additional requirements.* Any generator located less than five (5) feet from a building that is designed or used as a residential dwelling must meet the following requirements:

(1) Obtain a passing inspection by the Fire Marshall as to meeting minimum clearance requirements between the generator and other structures; and

(2) Install and properly maintain a carbon monoxide detecting system inside the adjacent building, under rules established by the City building official.

TO: Mayor and City Council

FROM: M. Rohde, Councilmember
R. Pennington, City Administrator

MEETING DATE: October 7, 2024

SUBJECT: WORKSHOP – Building Orientation

Agenda Item: C

Purpose:

The City is to consider adopting a "building orientation" ordinance to address issues with the positioning of the "front" of single-family residential buildings. This was prompted by a situation involving a corner lot on W. Dana Ln. The proposed ordinance would be added to the zoning ordinances under Section 74-245 - Supplementary District Regulations.

Considerations:

Update Section 74-245 –Supplementary District Regulations to include the following language:

“(m) Building orientation. Each main building on a lot that is adjacent to more than one street (i.e., corner lot) shall be designed and constructed so that the building front, or apparent building front, is oriented toward the street adjacent to the front yard of the lot upon which such main building is located. The building front, or apparent building front, is that building side where the greatest amount of architectural detail is emphasized and the primary entrance is located.”

Other Notes:

1. **Bunker Hill:** The city of Bunker Hill Village has a "building orientation" ordinance.

Attachments:

DRAFT Summary and Ordinance Redline.

Proposed Ordinance on Building Orientation

Purpose:

--The City regulates single family residential buildings under its zoning ordinances for general conformity of surrounding lots and structures. While front, side and rear yards are well established under current ordinances, there is no ordinance that speaks to the orientation, or positioning of the “front” of such buildings.

--This issue was raised in early Spring 2024 regarding a corner lot on W. Dana Ln where the builder wanted to orient the “front” of the house facing the side yard adjacent to Smithdale Rd. The building’s main entrance and architectural detail was mostly in the side yard, leaving the front yard view on W. Dana Lane with just garages and a small side entrance. The City didn’t have an ordinance to address this issue at the time, and the Building Official had to negotiate with the builder to make several concessions to the building’s elevation facing W. Dana Ln., including a front entrance and additional architectural detail.

--The City of Bunker Hill Village has such a “building orientation” ordinance, which our City could adopt and add to its zoning ordinances under Section 74-245 -Supplementary District Regulations.

PROPOSED NEW ORDINANCE ON BUILDING ORIENTATION

Section 74-245 –Supplementary District Regulations

(m) Building orientation. Each main building on a lot that is adjacent to more than one street (i.e., corner lot) shall be designed and constructed so that the building front, or apparent building front, is oriented toward the street adjacent to the front yard of the lot upon which such main building is located. The building front, or apparent building front, is that building side where the greatest amount of architectural detail is emphasized and the primary entrance is located.

Current City of Bunker Hill Ordinance:

§ 7.15. Building orientation.

Each main building shall be designed and constructed so that the building front, or apparent building front, is oriented toward the street adjacent to the front yard of the lot upon which such main building is located.

The building front, or apparent building front, is that building side where the greatest amount of architectural detail is emphasized and the primary entrance is located.

(Ord. No. 05-322, § 1, 2-15-05)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PINEY POINT VILLAGE, TEXAS, AMENDING CHAPTER 74, ARTICLE IV. OF THE CODE OF ORDINANCES BY CREATING A NEW SUBSECTION UNDER SECTION 74-245 –SUPPLEMENTARY DISTRICT REGULATIONS REGARDING THE ORIENTATION OF A BUILDING.

* * * * *

WHEREAS, the zoning regulations and districts established in Chapter 74 of the Code of Ordinances for the City of Piney Point Village, Texas have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety and general welfare of the city and its inhabitants; and

WHEREAS, such regulations and such district have been designed to lessen congestion on the streets; to secure safety from fire, panic and other dangers; to facilitate adequate provisions of transportation, particularly in times of natural disaster when timely evacuation is critical for the protection of lives; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate adequate provisions of water, sewage, schools, parks and other public requirements; and

WHEREAS, these regulations have been made with reasonable consideration of the character of the city and its suitability for a particular use, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the City Council of the City of Piney Point Village, Texas and the Planning and Zoning Commission of the City of Piney Point Village, Texas have each held a public hearing to consider possible amendments to the Piney Point Village Code of Ordinances; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the Planning and Zoning Commission of Piney Point Village, Texas submitted its written recommendation to the City Council of the City of Piney Point Village, Texas concerning proposed amendments to Chapter 74, Article IV., Section 74-245 -Supplemental District Regulations relating to the orientation of a building; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the City Council of the City of Piney Point Village, Texas has considered the recommendation of the Planning and Zoning Commission, concerning the proposed amendments to Chapter 74, Article IV., Section 74-245 -Supplemental District Regulations of the Piney Point Village Zoning Code relating to the orientation of a building; and

WHEREAS, the City Council of the City of Piney Point Village, Texas, has concluded that amendments should be made to Chapter 74, Article IV., Section 74-245 -Supplemental District Regulations, of the Piney Point Village Code of Ordinances relating to relating to the orientation of a building.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS, THAT:

Section 1. The recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

Section 2. Chapter 74, Article IV., Section 74-245 -Supplemental District Regulations of the Code of Ordinances of the City of Piney Point Village, Texas is hereby amended by adding **Subsection (m) *Building Orientation*** to read as set out in Appendix A, attached hereto. All other portions of the Piney Point Village Code of Ordinances not specifically amended hereby remain in full force and effect.

Section 3. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 4. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 5. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED, APPROVED, AND RESOLVED this _____ day of _____, 2024.

Aliza Dutt
Mayor

Attest:

Robert Pennington
City Administrator / City Secretary

ATTACHMENT A

Chapter 74

Article IV.

Section 74-245(m) –Supplementary District Regulations

(m) Building orientation. Each main building on a lot that is adjacent to more than one street (i.e., corner lot) shall be designed and constructed so that the building front, or apparent building front, is oriented toward the street adjacent to the front yard of the lot upon which such main building is located. The building front, or apparent building front, is that building side where the greatest amount of architectural detail is emphasized and the primary entrance is located.

TO: Mayor and City Council

FROM: M. Rohde, Councilmember
R. Pennington, City Administrator

MEETING DATE: October 7, 2024

SUBJECT: WORKSHOP – Outdoor Lighting.

Agenda Item: D

Summary:

The council has formally requested a review of our lighting ordinance. This is in response to complaints of over-illumination and directional light pollution.

Objective:

Amend the current ordinance to provide more clarity for better enforcement. Also, add provisions to formalize requirements for new residential construction and to establish standards for the placement of problematic lights within the city.

Recommended Revisions:

1. Sec. 74-1. New and Proposed Definitions:
 - Footcandle
 - Lamp
 - Lighting
 - Light trespass
 - Luminaire
 - Outdoor lighting
 - Person or owner
2. Sec. 74-245. Proposed Regulations:
 - Outdoor lighting permit required.
 - Control of glare.
 - Prohibitions (amended).
 - Enforcement.
 - Exceptions.

Attachment:

Proposed Amended Ordinance on Outdoor Lighting.

Proposed Amended Ordinance on Outdoor Lighting

Purpose:

--The City regulates the use of outdoor lighting under Chapter 74 of its Code of Ordinances. The purpose of amending this ordinance is to provide additional clarity so it may be better enforced. Further, additional provisions are needed to (1) codify what is already being required by the city building official for new residential construction or major renovations, and (2) provide standards for the placement of certain lights that are the source of most issues within the city.

--Most of the changes to this ordinance come from specific provisions of the cities of Hedwig Village and Spring Valley, as well as model ordinances published by the Dark Skies Initiative and Harvard University.

--The City is significantly limited in enforcing outdoor lighting by Texas Govt Code Chapter 3000, wherein cities are not allowed to prohibit the use of any building-related products or materials that are otherwise approved under a national model code or regulates standards for such products and materials that are more stringent than the code. There is an exception to Chapter 3000 for outdoor lighting, but only if the municipality intends to be certified as a "Dark Sky Community" by the International Dark Sky Association and adopts ordinances that conform to the Dark Skies model regulations.

--At this time, the City may just want to provide better enforcement language for the ordinances it already has regarding outdoor lighting. Currently, the City may already regulate glare from outdoor lights onto neighboring properties. However, by defining necessary terms and adding more specificity to what is prohibited and what is exempted from the ordinance, the City will achieve a means by which to properly enforce the ordinance.

--Knowing that overall light pollution has negative effects on human health and area wildlife, the City should continue to explore opportunities to achieve community consensus on whether to pursue joining the growing number of Texas jurisdictions and cities across the U.S. that are a part of the Dark Skies collective.

PROPOSED NEW ORDINANCE & CHANGES TO EXISTING ORDINANCES ON OUTDOOR LIGHTING

Sec. 74-1. Definitions.

Footcandle shall mean the empirical unit of measurement expressing the quality of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one square foot from a distance of one foot.

Glare shall mean emitted light of such intensity or brightness, directly or indirectly, upon any lot, tract or parcel of land other than that upon which the lighting is situated, that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.

Lamp means an individual source of light other than a celestial object or fire. The term "lamp" includes, but is not limited to, bulbs, tubes, and modules. For purposes of this chapter, multiple light-emitting diodes (LEDs) or organic LEDs (OLEDs) within a self-contained bulb, tube or module are considered a single lamp.

Lighting shall mean any electric, manmade or artificial lighting equipment.

Light trespass shall mean light that falls beyond the property on which it is situated and is intended to illuminate. For purposes of this chapter, it is presumed that lighting is not intended to illuminate beyond the property line of the property on which the lighting is located, and that light emitted from a luminaire is presumed to fall beyond the property line if the lamp is visible, either directly or indirectly by reflection or otherwise, from beyond the property line.

Luminaire means the complete lighting unit or fixture, consisting of one or more lamps.

Outdoor lighting shall mean any lighting installed within the property line located or mounted outdoors, or any light source, that directly or indirectly casts or projects glare outdoors, whether attached to poles, building structures, the earth, or any other location.

Person or owner shall mean any person, firm, association, or organization that owns or has possession or control of real property within the City of Piney Point Village, Texas.

Yard light means any artificially energized light source used to illuminate all or part of a yard or the extension of a building or structure for aesthetic, security, recreational or other purposes.

Sec. 74-244. Regulations.

- (b) *Height regulations.* Except as provided immediately below, or specifically permitted otherwise in this chapter.
- (4) Yard-Outdoor lights. ~~Yard-Outdoor~~ lights attached to vegetation are permitted without height limitation within any required yard; however, no light, if installed on any pole or other structure, shall exceed 25 feet in height. Gas or electric lights not exceeding eight feet in height are permitted in a required front yard.

Sec. 74-245. Supplementary district regulations.

- (d) *Outdoor lighting.*
 - (1) Permit required. A person must apply for and obtain a permit from the city, and pay any applicable fee, prior to the installation of any outdoor lighting associated with new residential construction or construction on existing property that exceeds fifty (50) percent of the value on the improvements of the lot. The city building official shall provide additional regulations for permittees to ensure compliance with applicable standards and codes.
 - (2) Control of glare.
 - a. Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.
 - b. Any luminaire with a lamp or lamps rated at a total of 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value of $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet; notwithstanding, outdoor lights attached to vegetation are permitted without height limitation if such luminaires do not cause light trespass or project a glare outside the property boundaries.
 - (3) Prohibitions.
 - a. It shall be unlawful for any person to cause or permit to be energized on property under his possession or control, or to maintain, any outdoor lighting that projects or is capable of projecting a glare or brightness, directly or indirectly, upon any lot, tract, or parcel of land, including streets, other than that property upon which the outdoor lighting is situated, that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.
 - b. It shall be unlawful for any person to cause light trespass or permit light trespass to be caused by lighting on property under his possession or control.
 - c. Every All outdoor lighting shall be installed, oriented, regulated, operated, and maintained by the owner or person in control thereof in such a manner that the beam of any such light shall be east-aimed within the property boundaries, so that ~~it-such outdoor lighting~~ will not create glare upon any lot, tract, or parcel of land, including streets, other than that property upon which it is situated, and so that ~~it-such outdoor lighting~~ will not cause or permit any illumination from the lighting in excess of ~~1 1/2 lumens per square foot in, on or over the ground at any point~~ one-half (0.5) footcandles measured in the vertical plane at five feet or higher above ground at any point beyond the boundary of the lot, parcel or tract of land upon which the light emanates. Any ~~light-luminaire~~ in violation of this article shall be entirely removed or permanently altered in such fashion so to prevent the possibility of future violation.
 - d. It shall be unlawful for any person to cause or permit to be energized any light which is attached to a pole, standard or other facility or structure located upon or within a public roadway right-of-way or public street easement; provided, however, nothing contained in this subsection shall prevent the city from erecting street lighting or other lighting deemed necessary or appropriate for vehicular and pedestrian safety.
 - (4) Enforcement.

- a. Upon receipt of a complaint from any citizen, or upon the initiative of any City employee, a compliance inspection shall be conducted by the city administrator, city building official or other representatives designated by the city council.
- b. Compliance inspections shall be made during nighttime hours and violations will be determined by:
 - i. Visual inspection from the property line of any lights that are directly visible from the property line or indirectly visible due to reflection; or
 - ii. Readings from a sensitive light meter measured at the property line at five feet or higher above ground.

(5) Exceptions.

- a. The provisions of this article shall not apply to outdoor lighting operated by or under the direction of the city (for example, street lighting), or emergency lighting used by or at the direction of police, firefighting, or medical personnel.
- b. Seasonal decorations using typical unshielded low-wattage incandescent lamps shall be permitted from November 10 through January 30; notwithstanding, if such seasonal decorative lighting emits glare as defined herein, such lights shall be turned off no later than 11:00 p.m. each night, and remain off until at least sunrise of the following day.
- c. The lighting of United States and State of Texas flags are exempt from the provisions of this section. All other outdoor lighted decorative flags shall conform to the provisions of this section.
- d. Nonresidential recreational facilities, such as outdoor athletic fields, courts or tracks, shall abide by the specific outdoor lighting provisions for Institutional Uses contained in this chapter and must further abide by all outdoor lighting requirements of the facility's or institution's Special Use Permit.

~~(26)~~ *Institutional uses.* The provisions of this paragraph shall apply only to tracts of land containing public or private religious or educational institutions. For the purposes hereof, the term "institutional uses" shall mean and include public or private religious or educational uses if they are the primary use of a tract of land. It shall be unlawful for any person to cause or permit to be energized, or to cause or permit to be maintained, on any tract of land containing an institutional use, any artificial light source that is located more than seven feet above natural grade if not attached to or within 12 inches of a building, or more than nine feet above natural grade if attached to or within 12 inches of a building, unless such light is hooded and cast in a manner to prevent glare on property other than the property upon which the light is situated. For the purposes of this paragraph, the term "hooded" shall mean a fixture containing or attached to an artificial light source that is designed and maintained so that any light beam therefrom is directed forward from its source only and no light or light beam therefrom can be cast in a direction perpendicular to the main beam of such light. The term "cast in a manner to prevent glare" shall mean hooded light that is pointed at an angle not exceeding 30° from any vertical direction and, if located more than nine feet above natural grade and not within 12 inches of any building, is directed inward toward the center of the property upon which it is located so that the light source is not visible from any adjacent property.

~~(37)~~ It shall be unlawful for any person to cause or permit to be energized any light which is attached to a pole, standard or other facility or structure located upon or within a public roadway right-of-way or public street easement; provided, however, nothing contained in this subsection shall prevent the city from erecting street lighting or other lighting deemed necessary or appropriate for vehicular and pedestrian safety.

Current Ordinances Referencing Residential Outdoor Lighting –City of Piney Point Village

Sec. 1-11. General penalty; continuing violations.

- (a) Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided, the violation of any such section of this Code or any such ordinance shall be punished by a fine not exceeding \$2,000.00 for violation of all such provisions that govern fire safety, zoning or public health and sanitation, including dumping of refuse, or not exceeding \$500.00 for all other violations. No penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws

of the state. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense. If any such violation is designated as a nuisance under this Code, such nuisance may be summarily abated pursuant to law.

- (b) In addition to the penalties provided in subsection (a) of this section, the city shall have the right of injunction or other administrative or legal or equitable remedies to enforce or to prevent the violation of any section of this Code or other city ordinance.

Sec. 74-1. Definitions.

Glare shall mean emitted light of such intensity or brightness, directly or indirectly, upon any lot, tract or parcel of land other than that upon which the lighting is situated, that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.

Yard light means any artificially energized light source used to illuminate all or part of a yard or the extension of a building or structure for aesthetic, security, recreational or other purposes.

Sec. 74-243. Permitted uses and structures.

Buildings or premises shall be used only for the following purposes:

- (5) Accessory structures, buildings and uses.
 - a. To qualify as accessory structures or uses, tennis courts, including backstops and lighting therefor, must be set back at least ten feet from the nearest lot line; however, no tennis court shall be permitted in any front yard.

Sec. 74-244. Regulations.

- (b) *Height regulations.* Except as provided immediately below, or specifically permitted otherwise in this
 - (4) *Yard lights.* Yard lights attached to vegetation are permitted without height limitation within any required yard; however, no light, if installed on any pole or other structure, shall exceed 25 feet in height. Gas or electric lights not exceeding eight feet in height are permitted in a required front yard.

Sec. 74-245. Supplementary district regulations.

- (d) *Outdoor lighting.*
 - (1) It shall be unlawful for any person to cause or permit to be energized on property under his possession or control, or to maintain, any light that projects or is capable of projecting a glare or brightness, directly or indirectly, upon any lot, tract or parcel of land other than that upon which the lighting is situated, that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city. Every light shall be installed, regulated and maintained by the owner or person in control thereof in such a manner that the beam of any such light shall be cast so that it will not create glare upon any lot, tract or parcel of land other than that upon which it is situated and so that it will not cause or permit any illumination from lighting in excess of 1½ lumens per square foot in, on or over the ground at any point beyond the boundary of the lot, parcel or tract of land upon which the light emanates. Any light in violation of this article shall be entirely removed or permanently altered in such fashion so to prevent the possibility of future violation.
 - (2) *Institutional uses.* The provisions of this paragraph shall apply only to tracts of land containing public or private religious or educational institutions. For the purposes hereof, the term "institutional uses" shall mean and include public or private religious or educational uses if they are the primary use of a tract of land. It shall be unlawful for any person to cause or permit to be energized, or to cause or permit to be maintained, on any tract of land containing an institutional use, any artificial light source that is located more than seven feet above natural grade if not attached to or within 12 inches of a building, or more than nine feet above natural grade if attached to or within 12 inches of a building, unless such light is hooded and cast in a manner to prevent glare on property other than the property upon which the light is situated. For the purposes of this paragraph, the term "hooded" shall mean a fixture containing or attached to an artificial light source that is designed and maintained so that any light beam therefrom is directed forward from its source only and no light or light beam therefrom can be cast in a direction perpendicular to the main beam of such light. The term "cast in a manner to prevent glare" shall mean hooded light that is pointed at an angle not exceeding 30° from any vertical direction and, if located more than nine feet above natural grade and not within 12 inches of any building, is directed inward toward the center of the property upon which it is located so that the light source is not visible from any adjacent property.
 - (3) It shall be unlawful for any person to cause or permit to be energized any light which is attached to a pole, standard or other facility or structure located upon or within a public roadway right-of-way or public street easement; provided, however, nothing contained in this subsection shall prevent the city from erecting street lighting or other lighting deemed necessary or appropriate for vehicular and pedestrian safety.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PINEY POINT VILLAGE, TEXAS, AMENDING CHAPTER 74, ARTICLE I. SECTION 74-1 –DEFINITIONS, AND CHAPTER 74, ARTICLE IV., SECTIONS 74-244(b) – HEIGHT REGULATIONS, AND 74-245(d)—OUTDOOR LIGHTING REGARDING OUTDOOR LIGHTING.

* * * * *

WHEREAS, the zoning regulations and districts established in Chapter 74 of the Code of Ordinances for the City of Piney Point Village, Texas have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety and general welfare of the city and its inhabitants; and

WHEREAS, such regulations and such district have been designed to lessen congestion on the streets; to secure safety from fire, panic and other dangers; to facilitate adequate provisions of transportation, particularly in times of natural disaster when timely evacuation is critical for the protection of lives; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate adequate provisions of water, sewage, schools, parks and other public requirements; and

WHEREAS, these regulations have been made with reasonable consideration of the character of the city and its suitability for a particular use, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the City Council of the City of Piney Point Village, Texas and the Planning and Zoning Commission of the City of Piney Point Village, Texas have each held a public hearing to consider possible amendments to the Piney Point Village Code of Ordinances; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the Planning and Zoning Commission of Piney Point Village, Texas submitted its written recommendation to the City Council of the City of Piney Point Village, Texas concerning proposed amendments to Chapter 74, Article IV., Section 74-1 –Definitions, and Chapter 74, Article IV., Sections 74-244(b) –Height Regulations, and 74-245(d) –Outdoor Lighting, of the Piney Point Village Code of Ordinances relating to relating to outdoor lighting; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the City Council of the City of Piney Point Village, Texas has considered the recommendation of the Planning and Zoning Commission, concerning the proposed amendments to Chapter 74, Article IV., Section 74-1 –Definitions, and Chapter 74, Article IV., Sections 74-244(b) –Height Regulations, and 74-245(d) –Outdoor Lighting, of the Piney Point Village Code of Ordinances relating to relating to outdoor lighting; and

WHEREAS, the City Council of the City of Piney Point Village, Texas, has concluded that amendments should be made to Chapter 74, Article IV., Section 74-1 –Definitions, and Chapter

74, Article IV., Sections 74-244(b) –Height Regulations, and 74-245(d) –Outdoor Lighting, of the Piney Point Village Code of Ordinances relating to relating to outdoor lighting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS, THAT:

Section 1. The recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

Section 2. Chapter 74, Article IV., Section 74-1 –Definitions, and Chapter 74, Article IV., Sections 74-244(b) –Height Regulations, and 74-245(d) –Outdoor Lighting, of the Piney Point Village Code of Ordinances relating to relating to outdoor lighting of the Code of Ordinances of the City of Piney Point Village, Texas is hereby amended to read as set out in Appendix A, attached hereto. All other portions of the Piney Point Village Code of Ordinances not specifically amended hereby remain in full force and effect.

Section 3. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 4. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 5. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED, APPROVED, AND RESOLVED this _____ day of _____, 2024.

Aliza Dutt
Mayor

Attest:

Robert Pennington
City Administrator / City Secretary

ATTACHMENT A

Chapter 74

Article I.

Section 74-1 –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. The term "used for" shall include the meaning of the terms "designed for" or "intended for." The word "shall" is mandatory, not directive.

Accessory building, church, means any building not more than 35 feet in height that is auxiliary or incidental to or utilized in connection with the maintenance or operation of a church, and that is used for purposes otherwise within the definition of an accessory use, including, without limitation, buildings for religious instruction and/or administrative purposes, chapel buildings, recreational buildings and cafeteria buildings, but shall not include dormitories of any kind for any purpose; however, any such accessory building shall be located on the same tract as the main building or sanctuary.

Accessory building, residential means a detached subordinate building, that is not used for business, commercial or industrial purposes; which building is not rented; the use of the building is clearly an accessory use and such use is only incidental to that of the principal or main residential building and to the use of the land for residential purposes, provided that such accessory building is located on the same lot or tract as the principal or main residential building, and provided further that no portion of the structure comprising the accessory building may be connected to any portion of the structure comprising any part of the main or principal residential building other than a covered walkway not exceeding four feet in width. Provided further, any building or projection thereof located within five feet of the principal or main building or any projection thereof other than a covered walkway not exceeding four feet in width shall be deemed to constitute a portion of such principal or main building. An accessory building may not contain any kitchen facilities (which term shall include, without limitation, dishwashers and cooking facilities such as stoves, ovens, cooktops and barbeque pits) unless such kitchen facilities are open-air facilities. As used herein, "open air facilities" means that (a) any walls or other enclosures surrounding the facilities shall not cover or otherwise obstruct more than 270 degrees of a horizontal cross section surrounding the facility or facilities (as measured from a point directly in front of each kitchen facility), and (b) the remaining 90 degrees shall have an unobstructed floor to ceiling view and access to the outdoors.

Accessory building, school, means any building not more than 35 feet in height that is auxiliary or incidental to or used in connection with the maintenance and operation of a school and that is used for purposes otherwise within the definition of an accessory use, including without limitation school buildings, buildings for administrative purposes, recreational buildings, auditorium buildings, and cafeteria buildings, but shall not include dormitories of any kind for any purpose; however, any such building shall be located on the same tract as the main building of such school.

Accessory use means a subordinate use customarily incident to and located on the same lot occupied by the main building or use.

Building means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building area means the maximum portion of a lot over which structures may be constructed.

Building, height of, means the vertical distance from the average finished grade of the lot within the main building area to the highest point of the structure.

Building line means a line parallel or approximately parallel to the street line and beyond which buildings or structures may not be erected.

Church means a building and facilities used for the assembly of people for religious worship, instruction and recreation.

Customary home occupation means any occupation, not involving the conduct of a business, customarily carried on in a single-family dwelling as an incidental but not the principal use thereof by a member of the occupant's family residing on the premises, without the help of any assistant or employee; without structural alterations in the building or any of its rooms; without the installation of any machinery or equipment other than that customary to normal household operations; without the use of any sign, display or advertisement of the occupation or the telephone number of the same, person conducting the same, or of the occupant; and which occupation does not include the care of children not belonging to the family, a beauty school, parlor or shop, a doctor's or dentist's office for the treatment of patients, a barbershop, carpenter's shop, electrician's shop, shoeshop, plumber's shop, radio shop, tinner's shop, auto repairing, auto painting, furniture repairing, sign painting, or real estate office, but not limited to those so enumerated; and which occupation is not detrimental or injurious to adjoining properties; and which occupation does not involve the conduct of a school or office; and which occupation does not include the keeping, stabling, pasturing, boarding, or caring for any horse, cattle, dog, cat or other animal belonging to persons other than the occupants of the main building.

Dwelling means any building or portion thereof that is designed for or used for residential purposes.

Dwelling, single-family, means a permanent building designed for and occupied exclusively by one family, but not including any form of temporary or permanent mobile home, trailer or other vehicle, whether on wheels or not.

80% fence shall mean a fence constructed in such a manner that any portion of the fence that exceeds three feet in height contains at least 80 percent unobstructed, open views, comprised of uniformly spaced seven-foot see-through sections, separated by visually solid columns (maximum of two feet in width), and supports for such fence are of visually solid construction uniformly spaced, and such fence contains no wire or chain-link portions.

Family means one or more persons related by blood, adoption or marriage, living together as a single housekeeping unit, exclusive of household servants. A number of persons not exceeding two, living together as a single housekeeping unit though not related by blood, adoption or marriage, shall be deemed to constitute a family.

Footcandle shall mean the empirical unit of measurement expressing the quality of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one square foot from a distance of one foot.

Garage or carport means an accessory building or part of a main building used or designed for private storage only of motor-driven vehicles used by the occupants of the building to which it is accessory.

Glare shall mean emitted light of such intensity or brightness, directly or indirectly, upon any lot, tract or parcel of land other than that upon which the lighting is situated, that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.

Lot means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building together with its accessory buildings, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a public street or upon a lawfully existing private street.

- (1) *Lot, depth of*, means the mean horizontal distance between the front and rear lot lines.
- (2) *Lot, width of*, means the mean horizontal distance between the side lot lines.

Lamp means an individual source of light other than a celestial object or fire. The term "lamp" includes, but is not limited to, bulbs, tubes, and modules. For purposes of this chapter, multiple light-emitting diodes (LEDs) or organic LEDs (OLEDs) within a self-contained bulb, tube or module are considered a single lamp.

Lighting shall mean any electric, manmade or artificial lighting equipment.

Light trespass shall mean light that falls beyond the property on which it is situated and is intended to illuminate. For purposes of this chapter, it is presumed that lighting is not intended to illuminate beyond the

property line of the property on which the lighting is located, and that light emitted from a luminaire is presumed to fall beyond the property line if the lamp is visible, either directly or indirectly by reflection or otherwise, from beyond the property line.

Lot line shall mean any exterior boundary line of a lot as shown on a subdivision plat, if approved by the applicable governmental authority having jurisdiction, or any exterior boundary line of an unplatted lot.

Luminaire means the complete lighting unit or fixture, consisting of one or more lamps.

Nonconforming use, building or yard means a use, building or yard existing legally on June 25, 1984, that by reason of design or use, does not conform with the regulations of the district in which it is situated.

Recreational vehicle shall mean and include any one or more of the following:

- (1) Any motor vehicle, as that term is defined in chapter 541, Texas Transportation Code, as amended, that is designed for or used as a camper, motor home, travel trailer, bus, or other similar purpose; or
- (2) Any trailer, as that term is defined in chapter 541, Texas Transportation Code, as amended, that is designed for or used as a tent trailer, utility trailer, house trailer, vacation trailer, animal trailer, boat trailer, horse trailer, vehicle trailer or other similar purpose; or
- (3) Any boat, jet ski or other item of similar purpose.

Outdoor lighting shall mean any lighting installed within the property line located or mounted outdoors, or any light source, that directly or indirectly casts or projects glare outdoors, whether attached to poles, building structures, the earth, or any other location.

Person or owner shall mean any person, firm, association, or organization that owns or has possession or control of real property within the City of Piney Point Village, Texas.

School shall mean an institution for the instruction of students in general education.

Sign means any structure, part thereof, or device or inscription located upon, attached to or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee or similar appendage, or permanently affixed to the glass of a window or door, so as to be seen from the outside of the building or structure, and that displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or other representation used as or in the nature of an announcement, advertisement, attention arrester, direction, warning or designation of any person, place, commodity, product, service, business, profession, enterprise, industry, activity or any combination thereof. Where the word "sign" is used in this chapter without further modification, the word shall be understood to embrace all regulated signs and replicas.

Stable means an accessory building to a single-family use in which not more than one horse, mule, head of cattle or other domestic animal per acre or major fraction thereof of the premises where the stable is situated, is kept for the private use of the occupants of the main building on such premises and not for hire, remuneration or sale.

Street means a public or private thoroughfare that affords the principal means of access to abutting property.

Street line means the right-of-way line of a street.

Structure shall mean anything constructed or erected that requires location on the ground, or is attached to something having a location on the ground, including but not limited to signs, fences, walls, water fountains, ponds, air-conditioning/heating equipment, swimming pool motors and filters, gazebos, tennis/sports courts, driveways, walkways, poles, and buildings, whether of a temporary or permanent nature.

Structural alterations means any change in the supporting members of a structure, such as but not limited to bearing walls, rafters, joists, columns, beams, girders or poles; or any substantial change in the walls, roof or floors; or any change in the arrangement of rooms; or any addition or alteration to any structure.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, other than as specifically permitted by this chapter.

- (1) *Yard, front*, means a yard extending across the front of a lot between the side lot lines and being the horizontal distance between the street line providing access to such lot and the main building other than the usual uncovered steps, sidewalks and driveways.
- (2) *Yard, rear*, means a yard extending across the rear of a lot between the side lot lines and being the horizontal distance between the rear lot line and the main building other than the usual uncovered balconies or uncovered patios. On all lots the rear yard shall be in the rear of the front yard.
- (3) *Yard, side*, means a yard between the main building and the adjacent side line of the lot and extending from the required front yard to the required rear yard, and being the horizontal distance between an adjacent side lot line and the side of the main building.
- (4) *Yard, required*, means the minimum yard area of the lot necessary to comply with the terms of this chapter.

~~*Yard light* means any artificially energized light source used to illuminate all or part of a yard or the extension of a building or structure for aesthetic, security, recreational or other purposes.~~

Chapter 74

Article IV.

Section 74-244 –Regulations

Subsection 74-244(b) –Height Regulations

- (b) *Height regulations.* Except as provided immediately below, or specifically permitted otherwise in this chapter.
 - (1) *Building or structure.* No building or structure, or any part thereof, shall exceed 35 feet in height above the natural grade of the existing lot (i.e., the grade at center of proposed building footprint after the lot has been cleared and before any other construction has begun); provided however, if the city requires that the base elevation of the first floor of any building or structure be raised above the natural grade in order to be in compliance with the city's flood prevention ordinance or other applicable city Code provision, then the height restriction provided for in this paragraph shall be measured from the base of the first floor. Chimneys and antennas shall be allowed not more than ten feet above the building.
 - (2) *Accessory building or structure in required yard.* No part of any accessory building or structure that is erected in any yard as required by subsection (c) shall:
 - a. Exceed 20 feet in height above the adjacent natural grade, except for chimneys (the width of which shall not exceed six feet and the horizontal cross section of which shall not exceed 16 square feet), ordinary plumbing stacks, or antennas, which are not to exceed ten feet above the building;
 - b. Contain more than one story; or
 - c. Contain any part (other than chimneys, ordinary plumbing stacks, or antennas) which is higher than an imaginary line rising from a point beginning at ten feet high, ten feet from the property line and rising seven feet for each additional 12 feet from the property line.
 - (3) *Accessory building, church and school.* No accessory building or structure, or any part thereof, shall exceed 35 feet in height.
 - (4) ~~*Yard-Outdoor lights.*~~ ~~*Yard-Outdoor*~~ lights attached to vegetation are permitted without height limitation within any required yard; however, no light, if installed on any pole or other structure, shall exceed 25 feet in height. Gas or electric lights not exceeding eight feet in height are permitted in a required front yard.
 - (5) Fences. As permitted in this section.

Chapter 74

Article IV.

Section 74-245 –Supplementary District Regulations

Subsection 74-245(d) –Outdoor Lighting

(d) *Outdoor lighting.*

(1) Permit required. A person must apply for and obtain a permit from the city, and pay any applicable fee, prior to the installation of any outdoor lighting associated with new residential construction or construction on existing property that exceeds fifty (50) percent of the value on the improvements of the lot. The city building official shall provide additional regulations for permittees to ensure compliance with applicable standards and codes.

(2) Control of glare.

a. Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.

b. Any luminaire with a lamp or lamps rated at a total of 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value of $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet; notwithstanding, outdoor lights attached to vegetation are permitted without height limitation if such luminaires do not cause light trespass or project a glare outside the property boundaries.

(3) Prohibitions.

a. It shall be unlawful for any person to cause or permit to be energized on property under his possession or control, or to maintain, any outdoor lighting that projects or is capable of projecting a glare or brightness, directly or indirectly, upon any lot, tract, or parcel of land, including streets, other than that property upon which the outdoor lighting is situated, that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.

b. It shall be unlawful for any person to cause light trespass or permit light trespass to be caused by lighting on property under his possession or control.

c. Every All outdoor lighting shall be installed, oriented, regulated, operated, and maintained by the owner or person in control thereof in such a manner that the beam of any such light shall be east-aimed within the property boundaries, so that it-such outdoor lighting will not create glare upon any lot, tract, or parcel of land, including streets, other than that property upon which it is situated, and so that it-such outdoor lighting will not cause or permit any illumination from the lighting in excess of 1½ lumens per square foot in, on or over the ground at any point one-half (0.5) footcandles measured in the vertical plane at five feet or higher above ground at any point beyond the boundary of the lot, parcel or tract of land upon which the light emanates. Any light luminaire in violation of this article shall be entirely removed or permanently altered in such fashion so to prevent the possibility of future violation.

d. It shall be unlawful for any person to cause or permit to be energized any light which is attached to a pole, standard or other facility or structure located upon or within a public roadway right-of-way or public street easement; provided, however, nothing contained in this subsection shall prevent the city from erecting street lighting or other lighting deemed necessary or appropriate for vehicular and pedestrian safety.

(4) Enforcement.

a. Upon receipt of a complaint from any citizen, or upon the initiative of any City employee, a compliance inspection shall be conducted by the city administrator, city building official or other representatives designated by the city council.

b. Compliance inspections shall be made during nighttime hours and violations will be determined by:

- i. Visual inspection from the property line of any lights that are directly visible from the property line or indirectly visible due to reflection; or
- ii. Readings from a sensitive light meter measured at the property line at five feet or higher above ground.

(5) Exceptions.

- a. The provisions of this article shall not apply to outdoor lighting operated by or under the direction of the city (for example, street lighting), or emergency lighting used by or at the direction of police, firefighting, or medical personnel.
- b. Seasonal decorations using typical unshielded low-wattage incandescent lamps shall be permitted from November 10 through January 30; notwithstanding, if such seasonal decorative lighting emits glare as defined herein, such lights shall be turned off no later than 11:00 p.m. each night, and remain off until at least sunrise of the following day.
- c. The lighting of United States and State of Texas flags are exempt from the provisions of this section. All other outdoor lighted decorative flags shall conform to the provisions of this section.
- d. Nonresidential recreational facilities, such as outdoor athletic fields, courts or tracks, shall abide by the specific outdoor lighting provisions for Institutional Uses contained in this chapter and must further abide by all outdoor lighting requirements of the facility's or institution's Special Use Permit.

(26) *Institutional uses.* The provisions of this paragraph shall apply only to tracts of land containing public or private religious or educational institutions. For the purposes hereof, the term "institutional uses" shall mean and include public or private religious or educational uses if they are the primary use of a tract of land. It shall be unlawful for any person to cause or permit to be energized, or to cause or permit to be maintained, on any tract of land containing an institutional use, any artificial light source that is located more than seven feet above natural grade if not attached to or within 12 inches of a building, or more than nine feet above natural grade if attached to or within 12 inches of a building, unless such light is hooded and cast in a manner to prevent glare on property other than the property upon which the light is situated. For the purposes of this paragraph, the term "hooded" shall mean a fixture containing or attached to an artificial light source that is designed and maintained so that any light beam therefrom is directed forward from its source only and no light or light beam therefrom can be cast in a direction perpendicular to the main beam of such light. The term "cast in a manner to prevent glare" shall mean hooded light that is pointed at an angle not exceeding 30° from any vertical direction and, if located more than nine feet above natural grade and not within 12 inches of any building, is directed inward toward the center of the property upon which it is located so that the light source is not visible from any adjacent property.

(37) It shall be unlawful for any person to cause or permit to be energized any light which is attached to a pole, standard or other facility or structure located upon or within a public roadway right-of-way or public street easement; provided, however, nothing contained in this subsection shall prevent the city from erecting street lighting or other lighting deemed necessary or appropriate for vehicular and pedestrian safety.

TO: Mayor and City Council

FROM: M. Rohde, Councilmember
R. Pennington, City Administrator

MEETING DATE: October 7, 2024

SUBJECT: WORKSHOP – Permitted Signs.

Agenda Item: E

Summary:

The City's zoning ordinances regulate single-family residential buildings to ensure they conform with surrounding lots and structures, including signage. An amendment is being proposed to address signage placement on temporary construction fences, as the standard yard sign would be obstructed from view. This is to work with the proposed temporary construction fence requirement.

Recommended Revisions:

1. Sec. 74-281. Permitted signs.
 - Lot Signs – Include the following language to (c)(1):
“Notwithstanding, not more than one “For Sale” sign permissible under this section may be affixed to a properly permitted temporary construction fence, regardless of distance from a public or private street.”

Attachment:

Proposed Amended Ordinance on Permitted Signs.

Proposed Amended Ordinance on Permitted Signs

Purpose:

--The City regulates single family residential buildings under its zoning ordinances for general conformity of surrounding lots and structures, including signage. This purpose of this ordinance is to amend language regarding signage that would need to be placed on a temporary construction fence, as the permissible standard yard sign would be obstructed from view.

--This is a "clean-up" ordinance In order to account for the new temporary construction fence requirement.

PROPOSED ORDINANCE ON PERMITTED SIGNS

Sec. 74-281. Permitted signs.

- (a) *Institutional signs.* Signs on land used for church, school or other permitted institutional uses shall be permitted only as provided below:
- (1) Within a required front yard:
 - a. Not more than one ground sign having a total sign face area not exceeding 60 square feet, and not exceeding five feet in height above the adjacent grade; and
 - b. Not more than two ground signs having a total sign face area not exceeding 16 square feet, and not exceeding five feet in height above the adjacent grade.
 - (2) Within a side or a rear yard adjacent to a street having a driveway connection, not more than one ground sign having a total sign face area not exceeding 16 square feet, and not exceeding five feet in height above the adjacent grade.
- (b) *Subdivision signs.* Not more than one ground sign identifying a subdivision if the sign does not exceed 16 square feet in sign face area, is of subdued design and color, is not over three feet in height above the average level of the ground in the general vicinity, contains only the name of the subdivision in which it is located, does not impede traffic visibility or constitute a traffic hazard, is maintained in good condition by the residents of the subdivision to which it applies, is located within the subdivision to which it applies, and otherwise complies with all regulations established herein, is permitted.
- (c) *Lot signs.*
- (1) Not more than one portable, double-face "For Sale" sign may be erected and maintained on a lot or tract of land, which sign may contain, in addition to the words "For Sale" or "For Lease," only a telephone number and, if the property owner is represented by a real estate agent or broker, the word "Agent" or "Broker" and the agent's or broker's license number. If the owner is also a real estate agent or broker, the words "Owner-Broker" or "Owner-Agent" may also be included. In addition, the sign structure for a "For Sale" sign shall have a steel, metal or wrought iron support, painted either dark green or black, and the sign face shall be white with dark green lettering. The sign face of a "For Sale" sign shall not exceed two square feet, and the sign, including any part of the sign structure, shall not exceed three feet in height. Lettering or numerals on any such sign shall not exceed two inches in height. No "For Sale" sign authorized by this subsection shall be located upon or within 20 feet of any public or private street or public or private roadway right-of-way. Notwithstanding, not more than one "For Sale" sign permissible under this section may be affixed to a properly permitted temporary construction fence, regardless of distance from a public or private street.
 - (2) In lieu of a portable "For Sale" sign as hereinabove described, a lot owner may place not more than one window sign not exceeding four square feet in sign area; however, no window sign erected in lieu of a portable "For Sale" sign shall contain any message not otherwise allowed for a portable "For Sale" sign, nor contain letters or numerals which exceed four inches in height.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PINEY POINT VILLAGE, TEXAS, AMENDING CHAPTER 74, ARTICLE V. SECTION 74-281 –PERMITTED SIGNS OF THE CODE OF ORDINANCES REGARDING SIGNS ON PERMITTED TEMPORARY CONSTRUCTION FENCES.

* * * * *

WHEREAS, the zoning regulations and districts established in Chapter 74 of the Code of Ordinances for the City of Piney Point Village, Texas have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety and general welfare of the city and its inhabitants; and

WHEREAS, such regulations and such district have been designed to lessen congestion on the streets; to secure safety from fire, panic and other dangers; to facilitate adequate provisions of transportation, particularly in times of natural disaster when timely evacuation is critical for the protection of lives; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate adequate provisions of water, sewage, schools, parks and other public requirements; and

WHEREAS, these regulations have been made with reasonable consideration of the character of the city and its suitability for a particular use, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the City Council of the City of Piney Point Village, Texas and the Planning and Zoning Commission of the City of Piney Point Village, Texas have each held a public hearing to consider possible amendments to the Piney Point Village Code of Ordinances; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the Planning and Zoning Commission of Piney Point Village, Texas submitted its written recommendation to the City Council of the City of Piney Point Village, Texas concerning proposed amendments to Chapter 74, Article V., Section 74-281 –Permitted Signs; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the City Council of the City of Piney Point Village, Texas has considered the recommendation of the Planning and Zoning Commission, concerning the proposed amendments to Chapter 74, Article V., Section 74-281 –Permitted Signs; and

WHEREAS, the City Council of the City of Piney Point Village, Texas, has concluded that amendments should be made to Chapter 74, Article V., Section 74-281 –Permitted Signs, of the Piney Point Village Code of Ordinances relating to relating to the placement of signs on permitted temporary construction fences.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS, THAT:

Section 1. The recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

Section 2. Chapter 74, Article V., Section 74-281 –Permitted Signs of the Code of Ordinances of the City of Piney Point Village, Texas is hereby amended to read as set out in Appendix A, attached hereto. All other portions of the Piney Point Village Code of Ordinances not specifically amended hereby remain in full force and effect.

Section 3. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 4. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 5. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED, APPROVED, AND RESOLVED this _____ day of _____, 2024.

Aliza Dutt
Mayor

Attest:

Robert Pennington
City Administrator / City Secretary

ORDINANCE NO._____

ATTACHMENT A

Chapter 74

Article V.

Section 74-281 –Permitted Signs

Sec. 74-281. Permitted signs.

- (a) *Institutional signs.* Signs on land used for church, school or other permitted institutional uses shall be permitted only as provided below:
- (1) Within a required front yard:
 - a. Not more than one ground sign having a total sign face area not exceeding 60 square feet, and not exceeding five feet in height above the adjacent grade; and
 - b. Not more than two ground signs having a total sign face area not exceeding 16 square feet, and not exceeding five feet in height above the adjacent grade.
 - (2) Within a side or a rear yard adjacent to a street having a driveway connection, not more than one ground sign having a total sign face area not exceeding 16 square feet, and not exceeding five feet in height above the adjacent grade.
- (b) *Subdivision signs.* Not more than one ground sign identifying a subdivision if the sign does not exceed 16 square feet in sign face area, is of subdued design and color, is not over three feet in height above the average level of the ground in the general vicinity, contains only the name of the subdivision in which it is located, does not impede traffic visibility or constitute a traffic hazard, is maintained in good condition by the residents of the subdivision to which it applies, is located within the subdivision to which it applies, and otherwise complies with all regulations established herein, is permitted.
- (c) *Lot signs.*
- (1) Not more than one portable, double-face "For Sale" sign may be erected and maintained on a lot or tract of land, which sign may contain, in addition to the words "For Sale" or "For Lease," only a telephone number and, if the property owner is represented by a real estate agent or broker, the word "Agent" or "Broker" and the agent's or broker's license number. If the owner is also a real estate agent or broker, the words "Owner-Broker" or "Owner-Agent" may also be included. In addition, the sign structure for a "For Sale" sign shall have a steel, metal or wrought iron support, painted either dark green or black, and the sign face shall be white with dark green lettering. The sign face of a "For Sale" sign shall not exceed two square feet, and the sign, including any part of the sign structure, shall not exceed three feet in height. Lettering or numerals on any such sign shall not exceed two inches in height. No "For Sale" sign authorized by this subsection shall be located upon or within 20 feet of any public or private street or public or private roadway right-of-way. Notwithstanding, not more than one "For Sale" sign permissible under this section may be affixed to a properly permitted temporary construction fence, regardless of distance from a public or private street.
 - (2) In lieu of a portable "For Sale" sign as hereinabove described, a lot owner may place not more than one window sign not exceeding four square feet in sign area; however, no window sign erected in lieu of a portable "For Sale" sign shall contain any message not otherwise allowed for a portable "For Sale" sign, nor contain letters or numerals which exceed four inches in height.

TO: Mayor and City Council

FROM: M. Rohde, Councilmember
R. Pennington, City Administrator

MEETING DATE: October 7, 2024

SUBJECT: WORKSHOP – School Zone Ordinance.

Agenda Item: F

Summary:

The city is upgrading school zone signaling at several schools based on a recent engineering study.

Recommended Revisions:

Sec. 58-2. Street regulations.

- Include additional language that defines the streets within the four proposed school zones as (c);(1-5).
- Include additional language that defines the locations of school crossings within the proposed school zones as (d);(1-2).

Attachment:

Proposed Amended Ordinance on School Zones & School Crosswalks

Proposed Ordinance on School Zones & School Crosswalks

Purpose:

--The City is currently in the process of upgrading the school zone signaling at Memorial Drive Elementary School, Chapelwood School, St. Francis Episcopal School, and The Kinkaid School. A recent engineering study was completed to determine the proper locations and signage of these reduced-speed zones and related crosswalks.

--All locations need to be verified once the zone and crosswalk signage is installed.

PROPOSED NEW ORDINANCE ON SCHOOL ZONES & SCHOOL CROSSWALKS

Sec. 58-2. Street regulations.

- (a) *Public street.* The specific street regulations of the city, including but not limited to, speed limits, stop intersections, yield intersections, and parking regulations that are not printed in this code, but are adopted by reference, are on file in the city secretary's office.
- (b) *Private streets.*
 - (1) Applicable regulations provided for in subtitle C, "Rules of Road" of title VII of the Texas Transportation Code for public streets within the city are extended to private streets (referenced as "highways" in the Transportation Code) within the city.
 - (2) Motor vehicles are prohibited from parking on private streets in such a manner as to block access to a personal driveway.
 - (3) Motor vehicles are prohibited from parking on private streets in such a manner as to preclude the access of any emergency vehicle or other city vehicle on such private street.
- (c) *School zones.* The following streets, or portions thereof, are hereby designated as school zones and no person shall drive or operate a vehicle at a speed in excess of twenty (20) miles per hour when school zone flashing beacons are in place and flashing warning lights
 - (1) Along San Felipe Street, from a point approximately 100 feet east of its intersection with Stillforest Drive, east to a point approximately at the intersection of Farnham Park Drive.
 - (2) Along Kinkaid School Drive, from a point approximately 500 feet south of its intersection with Wickwood Drive, south to a point approximately at the intersection of San Felipe Street.
 - (3) Along North Piney Point Road, from a point approximately at its intersection of the Ecclesia Church driveway, north to a point approximately 200 feet north of the St. Francis Episcopal Church property line.
 - (4) Along Greenbay Street, from a point approximately 200 feet west of the Chapelwood United Methodist Church property line, east to a point approximately 200 feet east of the United Methodist Church property line.
 - (5) Along Smithdale Road, from a point approximately at its intersection with Smithdale Estates Drive, east to a point approximately 400 feet east of Oak Lane.
- (d) *School crossings.* The following locations are hereby designated as school crossings and no person shall drive or operate a vehicle into or through any school crossing at a time when there is a person or persons

crossing or standing therein; provided that the school crossing has been indicated by signs and the boundaries of the crossings are marked by painted lines:

(1) At the signalized intersection of Kinkaid School Drive and San Felipe Street.

(2) On Smithdale Road adjacent to Memorial Drive Elementary School.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PINEY POINT VILLAGE, TEXAS, AMENDING CHAPTER 58, ARTICLE I. SECTION 58-2 -STREET REGULATIONS OF THE CODE OF ORDINANCES REGARDING THE ESTABLISHMENT OF SCHOOL ZONES AND SCHOOL CROSSWALKS.

* * * * *

WHEREAS, the regulations established in the Code of Ordinances have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety and general welfare of the city and its inhabitants; and

WHEREAS, such regulations have been designed to ensure safety and effective traffic flow on streets, sidewalks and other public places; and

WHEREAS, the City Council of the City of Piney Point Village, Texas, has determined that amendments should be made to Section 58-2 of the Piney Point Village Code of Ordinances regarding the establishment of school zones and school crosswalks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS, THAT:

Section 1. The recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

Section 2. **Chapter 58, Article I., Section 58-2. -Street Regulations** of the Code of Ordinances of the City of Piney Point Village, Texas, is hereby amended to read as set out in Appendix A, attached hereto.

Section 3. All other portions of the Piney Point Village Planning and Zoning Code not specifically amended hereby remain in full force and effect.

Section 4. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 5. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 6. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED, APPROVED, AND RESOLVED this _____ day of _____, 2024.

Aliza Dutt
Mayor

Attest:

Robert Pennington
City Administrator / City Secretary

ATTACHMENT A

Chapter 58

Article I.

Section 58-2. -Street Regulations

Sec. 58-2. Street regulations.

- (a) *Public street.* The specific street regulations of the city, including but not limited to, speed limits, stop intersections, yield intersections, and parking regulations that are not printed in this code, but are adopted by reference, are on file in the city secretary's office.
- (b) *Private streets.*
 - (1) Applicable regulations provided for in subtitle C, "Rules of Road" of title VII of the Texas Transportation Code for public streets within the city are extended to private streets (referenced as "highways" in the Transportation Code) within the city.
 - (2) Motor vehicles are prohibited from parking on private streets in such a manner as to block access to a personal driveway.
 - (3) Motor vehicles are prohibited from parking on private streets in such a manner as to preclude the access of any emergency vehicle or other city vehicle on such private street.
- (c) School zones. The following streets, or portions thereof, are hereby designated as school zones and no person shall drive or operate a vehicle at a speed in excess of twenty (20) miles per hour when school zone flashing beacons are in place and flashing warning lights
 - (1) Along San Felipe Street, from a point approximately 100 feet east of its intersection with Stillforest Drive, east to a point approximately at the intersection of Farnham Park Drive.
 - (2) Along Kinkaid School Drive, from a point approximately 500 feet south of its intersection with Wickwood Drive, south to a point approximately at the intersection of San Felipe Street.
 - (3) Along North Piney Point Road, from a point approximately at its intersection of the Ecclesia Church driveway, north to a point approximately 200 feet north of the St. Francis Episcopal Church property line.
 - (4) Along Greenbay Street, from a point approximately 200 feet west of the Chapelwood United Methodist Church property line, east to a point approximately 200 feet east of the United Methodist Church property line.
 - (5) Along Smithdale Road, from a point approximately at its intersection with Smithdale Estates Drive, east to a point approximately 400 feet east of Oak Lane.
- (d) School crossings. The following locations are hereby designated as school crossings and no person shall drive or operate a vehicle into or through any school crossing at a time when there is a person or persons crossing or standing therein; provided that the school crossing has been indicated by signs and the boundaries of the crossings are marked by painted lines:

- (1) At the signalized intersection of Kinkaid School Drive and San Felipe Street.
- (2) On Smithdale Road adjacent to Memorial Drive Elementary School.

TO: Mayor and City Council

FROM: M. Rohde, Councilmember
R. Pennington, City Administrator

MEETING DATE: October 7, 2024

SUBJECT: WORKSHOP – Prohibited Parking.

Agenda Item: G

Summary:

MVPD requests no parking on the north side of Smithdale Road from Hedwig Road intersection to Oak Lane for smoother and safer carpooling.

Objective:

Amend the current ordinance to provide more clarity for better enforcement.

Recommended Revisions:

1. Sec. 46-33. Prohibited Parking: Include additional language that clarifies prohibited parking near MDE as follows:

"It shall be unlawful for any person, having registered in his name or owning or operating or having charge of any vehicle, to allow or permit the same to be parked or stopped upon the north side of Smithdale Road from the East driveway of Memorial Drive Elementary School to the intersection at Hedwig Road during the hours of 7:00 a.m. through 8:30 a.m., and 2:00 p.m. through 3:30 p.m., Monday through Friday, except on school holidays and when school is not in session, when signs are in place giving notice of such prohibition ("No Parking Zones")."

Attachment:

Proposed Amended Ordinance on Prohibited Parking.

Proposed Ordinance Amendments on Prohibited Parking

Purpose:

--The MVPD Chief of Police has requested that there be no parking along the north side of Smithdale Road from the intersection at Hedwig Road to Oak Lane, so that morning and afternoon carpool can run more efficiently and safely.

--The actual times of the "No Parking" Zone will need to be confirmed with both the Chief and the MDE School Principal prior to the public hearings.

Chapter 46 –Streets, Sidewalks & Other Public Places

Sec. 46-33. Prohibited Parking.

- (a) It shall be unlawful for any person, having registered in his name or owning or operating or having charge of any vehicle, to allow or permit the same to be parked or stopped upon Magnolia Circle between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday, except on school holidays and when school is not in session, when signs are in place giving notice of such prohibition ("No Parking Zones").
- (b) It shall be unlawful for any person, having registered in his name or owning or operating or having charge of any vehicle, to allow or permit the same to be parked or stopped upon the north side of Smithdale Road from the East driveway of Memorial Drive Elementary School to the intersection at Hedwig Road during the hours of 7:00 a.m. through 8:30 a.m., and 2:00 p.m. through 3:30 p.m., Monday through Friday, except on school holidays and when school is not in session, when signs are in place giving notice of such prohibition ("No Parking Zones").
- ~~(b)~~ It is presumed that the registered owner of the motor vehicle is the person who parked or stopped the vehicle at the time and place of the offense charged; and the state department of motor vehicles' computer-generated record of the registered vehicle owner is prima facie evidence of the contents of the record.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PINEY POINT VILLAGE, TEXAS, AMENDING CHAPTER 46, ARTICLE II. SECTION 46-33 –PROHIBITED PARKING OF THE CODE OF ORDINANCES REGARDING PROHIBITED PARKING IN THE AREA OF MEMORIAL DRIVE ELEMENTARY SCHOOL.

* * * * *

WHEREAS, the regulations established in the Code of Ordinances have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety and general welfare of the city and its inhabitants; and

WHEREAS, such regulations have been designed to ensure safety and effective traffic flow on streets, sidewalks and other public places; and

WHEREAS, the City Council of the City of Piney Point Village, Texas, has determined that amendments should be made to Section 46-33 of the Piney Point Village Code of Ordinances regarding prohibited parking in the area of Memorial Drive Elementary School.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS, THAT:

Section 1. The recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

Section 2. **Chapter 46, Article II., Section 46-33 -Prohibited Parking** of the Code of Ordinances of the City of Piney Point Village, Texas, is hereby amended to read as set out in Appendix A, attached hereto.

Section 3. All other portions of the Piney Point Village Planning and Zoning Code not specifically amended hereby remain in full force and effect.

Section 4. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 5. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 6. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required

by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED, APPROVED, AND RESOLVED this _____ day of _____, 2024.

Aliza Dutt
Mayor

Attest:

Robert Pennington
City Administrator / City Secretary

ATTACHMENT A

Chapter 46

Article II.

Section 46-33 -Prohibited Parking

Sec. 46-33. Prohibited Parking.

- (a) It shall be unlawful for any person, having registered in his name or owning or operating or having charge of any vehicle, to allow or permit the same to be parked or stopped upon Magnolia Circle between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday, except on school holidays and when school is not in session, when signs are in place giving notice of such prohibition ("No Parking Zones").
- (b) It shall be unlawful for any person, having registered in his name or owning or operating or having charge of any vehicle, to allow or permit the same to be parked or stopped upon the north side of Smithdale Road from the East driveway of Memorial Drive Elementary School to the intersection at Hedwig Road during the hours of 7:00 a.m. through 8:30 a.m., and 2:00 p.m. through 3:30 p.m., Monday through Friday, except on school holidays and when school is not in session, when signs are in place giving notice of such prohibition ("No Parking Zones").
- ~~(b)~~ It is presumed that the registered owner of the motor vehicle is the person who parked or stopped the vehicle at the time and place of the offense charged; and the state department of motor vehicles' computer-generated record of the registered vehicle owner is prima facie evidence of the contents of the record.

TO: Mayor and City Council

FROM: M. Rohde, Councilmember
R. Pennington, City Administrator

MEETING DATE: October 7, 2024

SUBJECT: WORKSHOP – Construction & Related Building Activities.

Agenda Item: H

Summary:

It is suggested that the City's building and construction ordinances need updating in several areas, including construction work hours, parking regulations, and job site requirements. The proposed updates were drafted from surrounding Villages' ordinances and COPPV's "New Construction Builders Packet for 2022".

Recommended Revisions Include:

1. Sec. 10-1. Time limitations on building activities.
2. Sec. 10-2. Parking of vehicles, trailers, and mobile equipment at construction site.
3. Sec. 10-9. Construction site regulations.
4. Sec. 26-3. Restrictions for certain noise-producing activities.
5. Sec. 56-3. Construction standards.

Attachment:

Proposed Ordinance Amendments on Construction & Related Building Activities.

Proposed Ordinance Amendments on Construction & Related Building Activities

Purpose:

--The City's ordinances related to many building and construction activities is in need of updating, especially in the following areas:

- Construction work hours, as it relates to authorization for working during emergency situations
- Limited extended hours for indoor finishing work with specific authorization from the city
- Limiting parking of construction-related vehicles on the street –due to increased traffic and frequency of blocking access
- Parking of construction-related vehicles on the construction site –the city is already requiring a 5-vehicle parking pad, but it needs to be codified
- Additional requirements of the job site, including construction site fencing, document boxes, dumpsters, debris, etc. need to be codified in order to leverage proper enforcement.

--The proposed language was drafted from ordinances of surrounding Villages, as well as from COPPV's "New Construction Builders Packet for 2022".

Chapter 10 –Buildings and Building Regulations

Sec. 10-1. Time limitations on building activities.

- (a) It shall be unlawful for any person to cause, permit or perform any construction, renovation, alteration, repair or demolition of any building or structure, or any excavation related thereto ("building activities"), within the city, except between the hours of 7:00 a.m. and 7:00 p.m. on Mondays through Fridays, and between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays. All building activities are strictly prohibited on Sundays, ~~and Holidays~~, ~~the h~~Holidays shall include of Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day, or on observed holidays on which the city's offices are closed.
- (b) The provisions of subsection (a) shall not apply to any construction, renovation, alteration, repair, demolition or related excavation which is conducted by a governmental entity, or for which a city permit is not required.
- (c) The provisions of subsection (a) shall not apply where the city building official has approved extended hours up to 9:00pm on days on which construction work is permitted for a specific construction site, for the purpose of conducting work only inside a completely enclosed structure, that is not visible or audible from surrounding properties, and any additional rules set by the city building official to minimize disturbance to surrounding residents.
- (d) The provisions of subsection (a) shall not apply where the city administrator has authorized emergency work necessary to prevent a risk of injury to persons or immediate damage to property, or to provide for the immediate cleanup and repairs of property after a declared natural disaster.
- ~~(e)~~ (ee) The city building official is hereby authorized and directed to issue stop work orders as are necessary to assure compliance with the provisions of this section.
- ~~(f)~~ (fd) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined as prescribed in section 1-11.

Sec. 10-2. Parking of vehicles, trailers and mobile equipment at construction site.

- (a) ~~(a)~~ Along the street. It shall be unlawful for any person to park or permit or cause to be parked any vehicle, trailer or mobile equipment used in the construction, alteration, remodeling or destruction of a building or

structure, or used to transport persons relating to any such construction, alteration, remodeling or destruction of a building or structure, on any public or private street in the city, except in the following circumstances:

(1) The vehicle, trailer or mobile equipment may only be parked along one side of that portion of any such street that lies immediately adjacent to and fronting upon the site where such ~~construction, alteration, remodeling or destruction activity~~ activity is occurring.

(2) The vehicle, trailer or mobile equipment may only park. ~~It shall be unlawful to park any such vehicle, trailer or mobile equipment on that portion of a street adjacent to and fronting such construction, alteration, remodeling or destruction site~~ if the width of the paved portion of the street at such location is ~~less-greater~~ greater than 15 feet ~~and the vehicle, trailer or mobile equipment is parked in such a manner as to leave clearance for other vehicles to safely pass.-~~

(3) The parked vehicle, trailer or mobile equipment is not blocking or impairing access over or across any sidewalk.

(4) Notwithstanding, it shall be unlawful for any person to park or permit or cause to be parked any vehicle, trailer or mobile equipment used in a manner described in this section on the following streets within the city: Memorial Drive, San Felipe Street, South Piney Point Road, Blalock Road, Taylorcrest Road, Piney Point Road, Beinhorn Road, Hedwig Road, Smithdale Road, Claymore Road, and Greenbay Drive.

~~(b) It shall be unlawful for any person to park or permit or cause to be parked any vehicle, trailer or mobile equipment, used in the construction, alteration, remodeling or destruction of a building or structure, or used to transport persons relating to any such construction, alteration, remodeling or destruction of a building or structure, in a manner that blocks or impairs access over or across any sidewalk.~~

(b) On the construction site. All vehicles, trailers or mobile equipment associated with construction-related activities shall be parked on the construction site, to the extent possible. Vehicles shall occupy space on the on-site parking pad, as required under this Chapter. Overflow parking is allowed on a public or private street, if such parking meets the requirements of this Section and is not otherwise prohibited by law or ordinance.

Sec. 10-9. Construction site regulations.

Any person who engages in construction activity, or who is in control of a construction site, within the city shall comply with the following requirements:

(a) Permit boxes. All construction permits and any other documents required to be posted at the construction site shall be laminated and displayed in a secure, weatherproofed "DOCBOX" or equivalent form of container. The container shall be placed in a location that is easily visible, identifiable and accessible at all times.

(b) Mail Box. The site shall include a mail box with the property address listed on the mail box.

(c) Waste containers. The site shall be equipped with a commercial solid waste container of adequate size to collect and store any solid waste generated by the construction activity. The container shall be placed in a location that is easily accessible and screened so it is not visible at ground level by adjacent side or rear lots, or from the street. The container must be placed, removed, serviced, and emptied only during authorized work hours as provided in this Chapter.

(d) Policing of site. All construction related material scraps, trash, rubble, debris, food packages, or any other form of waste located on the construction site or on nearby public or private property must be picked up immediately and placed in a waste container or removed from the site.

(e) Storage of materials and tools. All building materials, equipment, and tools that are not in actual use shall be stacked or otherwise secured in an orderly manner to minimize the possibility of trespass onto the

property or theft. The contractor in charge of the site shall secure building materials, equipment, and tools prior to predicted high wind or storm events.

- (f) Policing of adjacent rights-of-way. All sidewalks and streets and other public rights-of-way adjoining the construction site shall be kept free of dirt and other construction generated debris and shall be swept on a daily basis if necessary.
- (g) Disposal of garbage. Garbage, food waste, and similar rapidly biodegradable materials shall be contained in closed, covered containers and the containers shall be emptied no less than twice weekly.
- (h) Construction hazards. All excavations and holes shall be filled or covered as soon as possible. Any construction site hazards shall be marked and barricaded. Newly poured concrete or similar materials shall be properly secured.
- (i) Portable toilets. At least one clean and properly serviced portable toilet shall be provided at each construction site. The portable toilet shall be placed on the site no closer than 35 feet from the front property line or 25 feet from any side or rear property line unless otherwise approved by the building official and shall be screened from public view by a wood enclosure at least as tall as the portable toilet. The door to the portable toilet shall face away from street and neighboring property views. The portable toilet shall be serviced regularly to prevent health hazards and offensive odors.
- (j) Noise. Radios and other sound amplifying equipment shall not be operated on a construction site.
- (k) Temporary drainage. During the construction process the contractor shall maintain proper drainage to assure that no water flows onto adjacent properties.
- (l) Erosion control. The contractor in charge of the site and the owner of the site shall take whatever measures are necessary to prevent soil or other materials from washing off the site. Stormwater runoff shall be controlled so that silt, earth, topsoil, and other materials are not washed onto city streets or into storm drains, drainage easements, ditches or other drainage facilities.
- (m) Construction site fencing. Sites conducting new home construction or construction-related activities constituting more than fifty (50) percent of the value of the property must provide and maintain construction site fencing.

 - (1) The construction site fencing must fully enclose the entire site to screen construction from public view; provided, however, that the fencing shall not enclose the public sidewalk or impair vision for traffic from adjoining streets and driveways.
 - (2) The height of the construction fence shall be six feet, and the fence material shall be a chain link metal fence overlaid on the exterior with an opaque vinyl screen in a color approved by the building official, or other equivalent fencing and screening material as approved by the building official. Any damage to the frame, fence or screen shall be promptly repaired.
 - (3) The timeframe for erecting and removing the construction site fence shall be established by the city building official.
 - (4) No fencing shall be required where the construction activity is on the site of an occupied single-family residence.
- (n) Access. An all-weather means of access for the site shall be provided at all times. When a new or replacement driveway is included in the approved plans and is not installed prior to or contemporaneous with other construction work, a temporary means of access for the site must be submitted to and approved by the building official. Temporary means of access must be established in a manner that: (i) does not damage City right-of-way, such as curbs, gutters and sidewalks; and (ii) does not interfere with stormwater drainage.
- (o) Parking Pad. A dedicated space for a minimum of five (5) vehicles to park on the construction site shall be provided at all times. The parking pad must include space for vehicles to readily enter and exit the construction site. If the construction site is adjacent to a street where street parking for construction-related vehicles, trailers or mobile equipment is prohibited, the size and location of the dedicated parking pad must adequately account for additional parking needs.

(p) Deliveries. Construction materials may be placed in the public right-of-way only during unloading activities during permitted work hours and must be relocated to the construction site within two hours.

Chapter 26 –Environment

Sec. 26-3. Restrictions for certain noise producing activities.

- (a) *Nuisance level noises prohibited generally.* In view of the residential character of the city, any noise that is unreasonably loud, annoying, or disturbing to persons of ordinary sensibilities, at the time and place the noise is being generated, is defined to be a nuisance and is prohibited.
- (b) *The production of nuisance level noises defined as an offense.* Any person who produces or permits the production of nuisance level noise in the city shall be guilty of an offense.
- (c) *Exceptions.* It is recognized that certain noise producing activities are normal and not out of place in a residential area if the activities producing those noises are conducted in a reasonable manner and at a reasonable time. Accordingly, noises emanating from the following activities are not nuisance level noises within the meaning of this ordinance, if the activities are conducted at a reasonable time and in a reasonable manner:
- (1) Construction, grading, repair, remodeling or maintenance activities during hours when such activities are permitted in accordance with this Code;
 - (2) The operation of safety signals, warning devices, emergency pressure relief valves, water wells, and sewer lift stations;
 - (3) Occasional private outdoor gatherings and public events, provided that the volume of any music or mechanical sound amplification equipment is controlled so as to avoid unduly disturbing the occupants of neighboring residential properties;
 - (4) The operation of standard air conditioning, refrigeration systems, swimming pool equipment, or similar mechanical systems customarily found in single-family residential structures, provided that the equipment is kept in reasonable repair and operated in accordance with the manufacturer's recommendations;
 - (5) Repair and maintenance activities of any public entity or utility, provided that reasonable steps are taken to mitigate the effects of excessive noise;
 - (6) The operation of standby electric generators during time periods where normal electric service is unavailable, in compliance with the requirements of section 26-2.
- (d) *Restrictions.* In order to preserve the residential character of the city and to provide hours during which the city's residents can rest free from unnecessary and offensive noise levels, the following activities may be performed only during the allowable hours provided below:
- (1) The use of lawn mowers, edging machines, leaf blowers, chain saws, or any other gasoline, diesel, or electric powered lawn care or landscaping equipment;
 - (2) The use of power washers, air compressors, or any other gasoline, diesel, or electric powered equipment for home maintenance purposes.
- (e) *Allowable hours.* The work hours during which the activities listed in (a) above are allowed are:
- (1) Between 7:00 a.m. and 7:00 p.m. on weekdays;
 - (2) Between 8:00 a.m. and 6:00 p.m. on Saturdays;
 - (3) No work is permitted on Sundays or on holidays on which the city's offices are closed.
- (f) *Exceptions.* The following exceptions apply:
- (1) The restrictions on allowable hours do not apply when the activities are performed by the owner of occupant of the residence where the activities are being performed;

- (2) The restrictions on allowable hours do not apply in the case of an emergency where the city administrator has authorized work use of powered equipment is necessary to prevent a risk of injury to persons, or immediate damage to property, or to provide for the immediate cleanup and repairs of property after a declared natural disaster;
- (3) On days on which construction work hours are permitted, indoor work may continue until 9:00 p.m. provided that the city building official has authorized extended hours for the specific construction site, the work is conducted only inside a completely enclosed structure, the work is not visible or audible from surrounding properties, and the permittee abides by any additional rules set by the city building official to minimize disturbance to surrounding residents.
- (43) The restrictions on allowable hours do not apply to construction activities governed by chapter 10 of this Code.

Chapter 56 –Right-of-Way Management

Sec. 56-3. Construction standards.

- (a) *Advance notice required.* The city administrator shall be notified 24 hours in advance that construction is ready to proceed by either the right-of-way user, their contractor or representative, including the name, address, and phone numbers of the contractor performing the actual construction, and the name and telephone number of the individual who will be available at all times during construction. Failure to provide the above information will result in the suspension of the permit until the required information is received.
- (b) *Conformance to other laws.* All construction shall be in conformance with all city codes and applicable local, state, and federal laws.
- (c) *Erosion control.* Erosion control measures (*i.e.*, silt fence) and advance warning signs, markers, cones, and barricades must be in place before work begins. Permit holder may be required to show proof of EPA approved plans relating to storm water and erosion when applicable or a letter stating such plans are not required. User shall comply with city, state, and federal guidelines regulating storm water management erosion control. Requirements shall include, but not be limited to, silt fencing around any excavation that will be left overnight, silt fencing in erosion areas until reasonable vegetation is established, barricade fencing around open holes, and high erosion areas will require wire backed silt fencing, or straw bales, as appropriate.
- (d) *Lane closures.* Lane closures on collectors and thoroughfares, as identified by the city's thoroughfare plan, is limited to after 8:30 a.m. and before 4:00 p.m. unless the city administrator grants prior approval. Arrow boards will be required on lane closures, with all barricades, advanced warning signs and 36-inch reflector cones placed according to the specifications of the city administrator.
- (e) *Workmanship.* Users are responsible for the workmanship and any damages caused by a contractor or subcontractor. A responsible representative of the permit holder will be available to city administrator at all times during construction.
- (f) *Notice of damage.* All users shall notify the city administrator immediately of any damage to other utilities, either city or privately owned.
- (g) *Prior approval required for street or sidewalk cut.* Except in the event of an emergency, prior approval must be obtained from the city administrator when a street or sidewalk cut is required and all requirements of the city shall be followed. Repair of all street and sidewalk removals shall be made promptly to avoid safety hazards to vehicle and pedestrian traffic.
- (h) *Interference prohibited.* Newly installed structures shall not interfere with facilities or structures of other users, in particular gravity dependent facilities.
- (i) *Depth.* Structures shall be installed at a minimum of two feet depth, unless approved by the city administrator or as otherwise provided by this Chapter.

- (j) *Working hours.* Except in the event of an emergency where work is authorized by the city administrator, working hours in the rights-of-way are 7:00 a.m. to 7:00 p.m., Monday through Friday and from 8:00 a.m. to 6:00 p.m. Saturday. Except in the event of an emergency where work is authorized by the city administrator, any work performed on Sunday is prohibited. Directional boring is permitted only Monday through Friday.
-

Current Village Ordinances on Construction Site Fencing

Current Ordinance --Hedwig Village

(Sec. 14-220. Construction site fencing.)

Each permittee for which a building permit has been issued, must provide construction fencing in accordance with this section during all times when the building permit is in effect and for so long thereafter as the site is affected by construction activity. The construction fencing must fully enclose the entire site to screen construction activity from public view. It may enclose the sidewalk area, but only to the extent reasonably necessary to reduce the risk of hazards to sidewalk users. The height of the construction fence shall be between six feet and eight feet, and the fence material shall be a chain link metal fence overlaid on the exterior with an opaque vinyl screen in a color approved by the building official, or other equivalent fencing and screening material as approved by the building official. No separate fence permit is required for such a temporary fence erected in connection with construction activity for which a building permit is in effect.

Current Ordinance --Hunters Creek

(Sec. 4-6. Construction fencing.)

Each permittee for any pre-development activity or major development must provide and maintain construction fencing in accordance with this section during all times when the permit is in effect and for so long thereafter as the site is affected by construction activity. The construction fencing must fully enclose the entire site to screen construction activity from public view. It may enclose the sidewalk area, but only to the extent reasonably necessary to reduce the risk of hazards to sidewalk users. The construction fencing must be at least five and one-half (5.5) feet high and must be the color green. No separate fence permit is required for such a temporary fence erected in connection with pre-development activity or a major development for which a main building permit is in effect.

Current Ordinance --Spring Valley

(§ 3.2501 Construction Fencing Required)

Each person conducting permitted construction activity which constitutes more than fifty (50) percent of the value of the property must provide and maintain construction fencing in accordance with this section during all times when the permit is in effect and for so long thereafter as the site is affected by construction activity. The construction fencing must fully enclose the entire site to screen construction activity from public view; provided, however, that the fencing shall not impair vision for traffic from adjoining streets and driveways. It shall not enclose the sidewalk area. The construction fencing must be chain link and at least five and one-half (5.5) feet high and must be covered in a material to screen the construction activities from public view. No separate fence permit is required for such a temporary fence.

Current Ordinance --Hunters Creek

(Sec. 10-3(n). Construction site regulations.)

Security. The construction site shall be secured by fencing the perimeter of all areas where construction activity is to occur. The fencing must be maintained in place until all exterior construction activity, other than landscaping, is complete, the structure has been secured against entry, and all on-site materials have been installed or secured within the structure. The fence must be at least six feet in height and constructed of chain-link, wood, or other sturdy materials. No fencing shall be required where the construction activity is on the site of an occupied single-family residence.

Current Village Ordinances on Construction Related Activities

Note: Most municipalities have similar versions to this one...

Current Ordinance –Hunters Creek

Sec. 10-9. Construction site regulations.

Any person who engages in construction activity, or who is in control of a construction site, within the city shall comply with the following requirements:

- (a) *Permit boxes.* All construction permits and any other documents required to be posted at the construction site shall be displayed in a secure, weatherproofed "DOCBOX" or equivalent form of container. The container shall be placed in a location that is easily identifiable and accessible at all times.
- (b) *Waste containers.* The site shall be equipped with a commercial solid waste container of adequate size to collect and store any solid waste generated by the construction activity. The container shall be placed in a location that is easily accessible and screened so it is not visible at ground level by adjacent side or rear lots, or from the street. The container must be placed, removed, serviced, and emptied only during authorized work hours as provided in this Chapter.
- (c) *Policing of site.* All construction related material scraps, trash, rubble, debris, food packages, or any other form of waste located on the construction site or on nearby public or private property must be picked up immediately and placed in a waste container or removed from the site.
- (d) *Storage of materials and tools.* All building materials, equipment, and tools that are not in actual use shall be stacked or otherwise secured in an orderly manner to minimize the possibility of trespass onto the property or theft. The contractor in charge of the site shall secure building materials, equipment, and tools prior to predicted high wind or storm events.
- (e) *Policing of adjacent rights-of-way.* All sidewalks and streets and other public rights-of-way adjoining the construction site shall be kept free of dirt and other construction generated debris and shall be swept on a daily basis if necessary.
- (f) *Disposal of garbage.* Garbage, food waste, and similar rapidly biodegradable materials shall be contained in closed, covered containers and the containers shall be emptied no less than twice weekly.
- (g) *Construction hazards.* All excavations and holes shall be filled or covered as soon as possible. Any construction site hazards shall be marked and barricaded. Newly poured concrete or similar materials shall be properly secured.
- (h) *Portable toilets.* At least one clean and properly serviced portable toilet shall be provided at each construction site. The portable toilet shall be placed on the site no closer than 35 feet from the front property line or 25 feet from any side or rear property line unless otherwise approved by the building official and shall be screened from public view by a wood enclosure at least as tall as the portable toilet. The door to the portable toilet shall face away from street and neighboring property views. The portable toilet shall be serviced regularly to prevent health hazards and offensive odors.
- (i) *Noise.* Radios and other sound amplifying equipment shall not be operated on a construction site.
- (j) *Deliveries.* Construction materials may be placed in the public right-of-way only during unloading activities during work hours as provided in subsection (o) and must be relocated to the construction site within two hours.
- (k) *Access.* An all-weather means of access for the site shall be provided at all times. When a new or replacement driveway is included in the approved plans and is not installed prior to or contemporaneous with other construction work, a temporary means of access for the site must be submitted to the building official and approved. Temporary means of access must be established in a

manner that: (i) does not damage City right-of-way, such as curbs, gutters and sidewalks; and (ii) does not interfere with stormwater drainage.

- (l) *Erosion control.* The contractor in charge of the site and the owner of the site shall take whatever measures are necessary to prevent soil or other materials from washing off the site. Stormwater runoff shall be controlled so that silt, earth, topsoil, and other materials are not washed onto city streets or into storm drains, drainage easements, ditches or other drainage facilities.
- (m) *Security.* The construction site shall be secured by fencing the perimeter of all areas where construction activity is to occur. The fencing must be maintained in place until all exterior construction activity, other than landscaping, is complete, the structure has been secured against entry, and all on-site materials have been installed or secured within the structure. The fence must be at least six feet in height and constructed of chain-link, wood, or other sturdy materials. No fencing shall be required where the construction activity is on the site of an occupied single-family residence.

Additional Village Ordinances on Construction Related Activities

Current Ordinance –Bunker Hill

Sec. 4-12. Construction related parking.

For any address for which an active building or maintenance permit has been issued, all vehicles shall be required to be parked on the lot for which the permit has been issued. For private streets, parking may not be in the access easement.

Vehicles parked temporarily for a period of thirty (30) minutes or less are not required to meet this requirement. Blocking of a street so that less than fifteen (15) feet of width for access is not allowed under any circumstance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PINEY POINT VILLAGE, TEXAS, AMENDING CHAPTER 10, ARTICLE I., SECTIONS 10-1 AND 10-2 AND ADDING SECTION 10-9 OF THE CODE OF ORDINANCES REGARDING EMERGENCY CONSTRUCTION WORK HOURS, **PERMISSIVE EXTENDED CONSTRUCTION WORK HOURS**, CONSTRUCTION-RELATED PARKING, AND CONSTRUCTION SITE REGULATIONS; AMENDING CHAPTER 26, ARTICLE I., **SECTION 26-3** OF THE CODE OF ORDINANCES REGARDING RESTRICTIONS FOR CERTAIN NOISE-PRODUCING ACTIVITIES; AND AMENDING CHAPTER 56, ARTICLE I., **SECTION 56-3** OF THE CODE OF ORDINANCES REGARDING CONSTRUCTION ACTIVITIES IN THE CITY RIGHT-OF-WAY.

* * * * *

WHEREAS, the regulations established in the Code of Ordinances have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety and general welfare of the city and its inhabitants; and

WHEREAS, such regulations have been designed to ensure permitted construction activities conform to high industry standards while promoting balance and consideration for the safety and quiet enjoyment of surrounding property owners.

WHEREAS, the City Council of the City of Piney Point Village, Texas, has determined that amendments should be made to Chapter 10, Article I., Sections 10-1, 10-2, and 10-9; Chapter 26, Section 26-3; and Chapter 56 Section 56-3, relating to construction and related building activities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS, THAT:

Section 1. The recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

Section 2. Chapter 10, Article I., Sections 10-1 -Time Limitations on Building Activities, and 10-2 -Parking of Vehicles, Trailers and Mobile Equipment at Construction Site of the Code of Ordinances of the City of Piney Point Village, Texas, is hereby amended to read as set out in Appendix A, attached hereto.

Section 3. Chapter 10, Article I. of the Piney Point Village Code of Ordinances of the City of Piney Point Village, Texas, is hereby amended by adding **Section 10-9 -Construction Site Regulations** to read as set out in Appendix A, attached hereto.

Section 4. Chapter 26, Article I., Section 26-3 -Restrictions For Certain Noise Producing Activities of the Piney Point Village Code of Ordinances of the City of Piney Point Village, Texas, is hereby amended to read as set out in Appendix A, attached hereto.

Section 5. Chapter 56, Article I., Section 56-3 -Construction Standards of the Piney Point Village Code of Ordinances of the City of Piney Point Village, Texas is hereby amended to read as set out in Appendix A, attached hereto.

Section 6. All other portions of the Piney Point Village Planning and Zoning Code not specifically amended hereby remain in full force and effect.

Section 7. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 8. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 9. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED, APPROVED, AND RESOLVED this _____ day of _____, 2024.

Aliza Dutt
Mayor

Attest:

Robert Pennington
City Administrator / City Secretary

ATTACHMENT A

Chapter 10

Article I.

Section 10-1 -Time Limitations on Building Activities

Sec. 10-1. Time limitations on building activities.

- (a) It shall be unlawful for any person to cause, permit or perform any construction, renovation, alteration, repair or demolition of any building or structure, or any excavation related thereto ("building activities"), within the city, except between the hours of 7:00 a.m. and 7:00 p.m. on Mondays through Fridays, and between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays. All building activities are strictly prohibited on Sundays, ~~and Holidays-the h~~Holidays ~~shall include~~of Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day-, or on observed holidays on which the city's offices are closed.
- (b) The provisions of subsection (a) shall not apply to any construction, renovation, alteration, repair, demolition or related excavation which is conducted by a governmental entity, or for which a city permit is not required.
- (c) The provisions of subsection (a) shall not apply where the city building official has approved extended hours up to 9:00pm on days on which construction work is permitted for a specific construction site, for the purpose of conducting work only inside a completely enclosed structure, that is not visible or audible from surrounding properties, and any additional rules set by the city building official to minimize disturbance to surrounding residents.
- (d) The provisions of subsection (a) shall not apply where the city administrator has authorized emergency work necessary to prevent a risk of injury to persons or immediate damage to property, or to provide for the immediate cleanup and repairs of property after a declared natural disaster.
- ~~(e)~~ (ee) The city building official is hereby authorized and directed to issue stop work orders as are necessary to assure compliance with the provisions of this section.
- ~~(f)~~ Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined as prescribed in section 1-11.

Chapter 10

Article I.

Section 10-2 -Parking of Vehicles, Trailers and Mobile Equipment at Construction Site

Sec. 10-2. Parking of vehicles, trailers and mobile equipment at construction site.

- (a) Along the street. It shall be unlawful for any person to park or permit or cause to be parked any vehicle, trailer or mobile equipment used in the construction, alteration, remodeling or destruction of a building or structure, or used to transport persons relating to any such construction, alteration, remodeling or destruction of a building or structure, on any public or private street in the city, except in the following circumstances:
- (1) The vehicle, trailer or mobile equipment may only be parked along one side of that portion of any such street that lies immediately adjacent to and fronting upon the site where such ~~construction,~~ alteration, remodeling or destruction activity activity is occurring.

~~(2) The vehicle, trailer or mobile equipment may only park. It shall be unlawful to park any such vehicle, trailer or mobile equipment on that portion of a street adjacent to and fronting such construction, alteration, remodeling or destruction site if the width of the paved portion of the street at such location is less-greater than 15 feet and the vehicle, trailer or mobile equipment is parked in such a manner as to leave clearance for other vehicles to safely pass.~~

~~(3) The parked vehicle, trailer or mobile equipment is not blocking or impairing access over or across any sidewalk.~~

~~(4) Notwithstanding, it shall be unlawful for any person to park or permit or cause to be parked any vehicle, trailer or mobile equipment used in a manner described in this section on the following streets within the city: Memorial Drive, San Felipe Street, South Piney Point Road, Blalock Road, Taylorcrest Road, Piney Point Road, Beinhorn Road, Hedwig Road, Smithdale Road, and Greenbay Drive.~~

~~(b) It shall be unlawful for any person to park or permit or cause to be parked any vehicle, trailer or mobile equipment, used in the construction, alteration, remodeling or destruction of a building or structure, or used to transport persons relating to any such construction, alteration, remodeling or destruction of a building or structure, in a manner that blocks or impairs access over or across any sidewalk.~~

~~(b) *On the construction site.* All vehicles, trailers or mobile equipment associated with construction-related activities shall be parked on the construction site, to the extent possible. Vehicles shall occupy space on the on-site parking pad, as required under this Chapter. Overflow parking is allowed on a public or private street, if such parking meets the requirements of this Section and is not otherwise prohibited by law or ordinance.~~

Chapter 10

Article I.

Section 10-9 -Construction Site Regulations

Sec. 10-9. Construction site regulations.

Any person who engages in construction activity, or who is in control of a construction site, within the city shall comply with the following requirements:

(a) *Permit boxes.* All construction permits and any other documents required to be posted at the construction site shall be laminated and displayed in a secure, weatherproofed "DOCBOX" or equivalent form of container. The container shall be placed in a location that is easily visible, identifiable and accessible at all times.

(b) *Mail Box.* The site shall include a mail box with the property address listed on the mail box.

(c) *Waste containers.* The site shall be equipped with a commercial solid waste container of adequate size to collect and store any solid waste generated by the construction activity. The container shall be placed in a location that is easily accessible and screened so it is not visible at ground level by adjacent side or rear lots, or from the street. The container must be placed, removed, serviced, and emptied only during authorized work hours as provided in this Chapter.

(d) *Policing of site.* All construction related material scraps, trash, rubble, debris, food packages, or any other form of waste located on the construction site or on nearby public or private property must be picked up immediately and placed in a waste container or removed from the site.

(e) *Storage of materials and tools.* All building materials, equipment, and tools that are not in actual use shall be stacked or otherwise secured in an orderly manner to minimize the possibility of trespass onto the property or theft. The contractor in charge of the site shall secure building materials, equipment, and tools prior to predicted high wind or storm events.

- (f) Policing of adjacent rights-of-way. All sidewalks and streets and other public rights-of-way adjoining the construction site shall be kept free of dirt and other construction generated debris and shall be swept on a daily basis if necessary.
- (g) Disposal of garbage. Garbage, food waste, and similar rapidly biodegradable materials shall be contained in closed, covered containers and the containers shall be emptied no less than twice weekly.
- (h) Construction hazards. All excavations and holes shall be filled or covered as soon as possible. Any construction site hazards shall be marked and barricaded. Newly poured concrete or similar materials shall be properly secured.
- (i) Portable toilets. At least one clean and properly serviced portable toilet shall be provided at each construction site. The portable toilet shall be placed on the site no closer than 35 feet from the front property line or 25 feet from any side or rear property line unless otherwise approved by the building official and shall be screened from public view by a wood enclosure at least as tall as the portable toilet. The door to the portable toilet shall face away from street and neighboring property views. The portable toilet shall be serviced regularly to prevent health hazards and offensive odors.
- (j) Noise. Radios and other sound amplifying equipment shall not be operated on a construction site.
- (k) Temporary drainage. During the construction process the contractor shall maintain proper drainage to assure that no water flows onto adjacent properties.
- (l) Erosion control. The contractor in charge of the site and the owner of the site shall take whatever measures are necessary to prevent soil or other materials from washing off the site. Stormwater runoff shall be controlled so that silt, earth, topsoil, and other materials are not washed onto city streets or into storm drains, drainage easements, ditches or other drainage facilities.
- (m) Construction site fencing. Sites conducting new home construction or construction-related activities constituting more than fifty (50) percent of the value of the property must provide and maintain construction site fencing.
- (1) The construction site fencing must fully enclose the entire site to screen construction from public view; provided, however, that the fencing shall not enclose the public sidewalk or impair vision for traffic from adjoining streets and driveways.
 - (2) The height of the construction fence shall be six feet, and the fence material shall be a chain link metal fence overlaid on the exterior with an opaque vinyl screen in a color approved by the building official, or other equivalent fencing and screening material as approved by the building official. Any damage to the frame, fence or screen shall be promptly repaired.
 - (3) The timeframe for erecting and removing the construction site fence shall be established by the city building official.
 - (4) No fencing shall be required where the construction activity is on the site of an occupied single-family residence.
- (n) Access. An all-weather means of access for the site shall be provided at all times. When a new or replacement driveway is included in the approved plans and is not installed prior to or contemporaneous with other construction work, a temporary means of access for the site must be submitted to and approved by the building official. Temporary means of access must be established in a manner that: (i) does not damage City right-of-way, such as curbs, gutters and sidewalks; and (ii) does not interfere with stormwater drainage.
- (o) Parking Pad. A dedicated space for a minimum of five (5) vehicles to park on the construction site shall be provided at all times. The parking pad must include space for vehicles to readily enter and exit the construction site. If the construction site is adjacent to a street where street parking for construction-related vehicles, trailers or mobile equipment is prohibited, the size and location of the dedicated parking pad must adequately account for additional parking needs.
- (k) Deliveries. Construction materials may be placed in the public right-of-way only during unloading activities during permitted work hours and must be relocated to the construction site within two hours.

Chapter 26

Article I.

Section 26-3 –Restrictions for certain noise producing activities.

Sec. 26-3. Restrictions for certain noise producing activities.

- (a) *Nuisance level noises prohibited generally.* In view of the residential character of the city, any noise that is unreasonably loud, annoying, or disturbing to persons of ordinary sensibilities, at the time and place the noise is being generated, is defined to be a nuisance and is prohibited.
- (b) *The production of nuisance level noises defined as an offense.* Any person who produces or permits the production of nuisance level noise in the city shall be guilty of an offense.
- (c) *Exceptions.* It is recognized that certain noise producing activities are normal and not out of place in a residential area if the activities producing those noises are conducted in a reasonable manner and at a reasonable time. Accordingly, noises emanating from the following activities are not nuisance level noises within the meaning of this ordinance, if the activities are conducted at a reasonable time and in a reasonable manner:
- (1) Construction, grading, repair, remodeling or maintenance activities during hours when such activities are permitted in accordance with this Code;
 - (2) The operation of safety signals, warning devices, emergency pressure relief valves, water wells, and sewer lift stations;
 - (3) Occasional private outdoor gatherings and public events, provided that the volume of any music or mechanical sound amplification equipment is controlled so as to avoid unduly disturbing the occupants of neighboring residential properties;
 - (4) The operation of standard air conditioning, refrigeration systems, swimming pool equipment, or similar mechanical systems customarily found in single-family residential structures, provided that the equipment is kept in reasonable repair and operated in accordance with the manufacturer's recommendations;
 - (5) Repair and maintenance activities of any public entity or utility, provided that reasonable steps are taken to mitigate the effects of excessive noise;
 - (6) The operation of standby electric generators during time periods where normal electric service is unavailable, in compliance with the requirements of section 26-2.
- (d) *Restrictions.* In order to preserve the residential character of the city and to provide hours during which the city's residents can rest free from unnecessary and offensive noise levels, the following activities may be performed only during the allowable hours provided below:
- (1) The use of lawn mowers, edging machines, leaf blowers, chain saws, or any other gasoline, diesel, or electric powered lawn care or landscaping equipment;
 - (2) The use of power washers, air compressors, or any other gasoline, diesel, or electric powered equipment for home maintenance purposes.
- (e) *Allowable hours.* The work hours during which the activities listed in (a) above are allowed are:
- (1) Between 7:00 a.m. and 7:00 p.m. on weekdays;
 - (2) Between 8:00 a.m. and 6:00 p.m. on Saturdays;
 - (3) No work is permitted on Sundays or on holidays on which the city's offices are closed.
- (f) *Exceptions.* The following exceptions apply:

- (1) The restrictions on allowable hours do not apply when the activities are performed by the owner of occupant of the residence where the activities are being performed;
- (2) The restrictions on allowable hours do not apply in the case of an emergency where the city administrator has authorized work use of powered equipment is necessary to prevent a risk of injury to persons, ~~or~~ immediate damage to property, or to provide for the immediate cleanup and repairs of property after a declared natural disaster;
- (3) On days on which construction work hours are permitted, indoor work may continue until 9:00 p.m. provided that the city building official has authorized extended hours for the specific construction site, the work is conducted only inside a completely enclosed structure, the work is not visible or audible from surrounding properties, and the permittee abides by any additional rules set by the city building official to minimize disturbance to surrounding residents.
- (4) The restrictions on allowable hours do not apply to construction activities governed by chapter 10 of this Code.

Chapter 56

Article I.

Section 56-3 –Construction standards.

Sec. 56-3. Construction standards.

- (a) *Advance notice required.* The city administrator shall be notified 24 hours in advance that construction is ready to proceed by either the right-of-way user, their contractor or representative, including the name, address, and phone numbers of the contractor performing the actual construction, and the name and telephone number of the individual who will be available at all times during construction. Failure to provide the above information will result in the suspension of the permit until the required information is received.
- (b) *Conformance to other laws.* All construction shall be in conformance with all city codes and applicable local, state, and federal laws.
- (c) *Erosion control.* Erosion control measures (*i.e.*, silt fence) and advance warning signs, markers, cones, and barricades must be in place before work begins. Permit holder may be required to show proof of EPA approved plans relating to storm water and erosion when applicable or a letter stating such plans are not required. User shall comply with city, state, and federal guidelines regulating storm water management erosion control. Requirements shall include, but not be limited to, silt fencing around any excavation that will be left overnight, silt fencing in erosion areas until reasonable vegetation is established, barricade fencing around open holes, and high erosion areas will require wire backed silt fencing, or straw bales, as appropriate.
- (d) *Lane closures.* Lane closures on collectors and thoroughfares, as identified by the city's thoroughfare plan, is limited to after 8:30 a.m. and before 4:00 p.m. unless the city administrator grants prior approval. Arrow boards will be required on lane closures, with all barricades, advanced warning signs and 36-inch reflector cones placed according to the specifications of the city administrator.
- (e) *Workmanship.* Users are responsible for the workmanship and any damages caused by a contractor or subcontractor. A responsible representative of the permit holder will be available to city administrator at all times during construction.
- (f) *Notice of damage.* All users shall notify the city administrator immediately of any damage to other utilities, either city or privately owned.
- (g) *Prior approval required for street or sidewalk cut.* Except in the event of an emergency, prior approval must be obtained from the city administrator when a street or sidewalk cut is required and all requirements of the city shall be followed. Repair of all street and sidewalk removals shall be made promptly to avoid safety hazards to vehicle and pedestrian traffic.

- (h) *Interference prohibited.* Newly installed structures shall not interfere with facilities or structures of other users, in particular gravity dependent facilities.
- (i) *Depth.* Structures shall be installed at a minimum of two feet depth, unless approved by the city administrator or as otherwise provided by this Chapter.
- (j) *Working hours.* Except in the event of an emergency where work is authorized by the city administrator, working hours in the rights-of-way are 7:00 a.m. to 7:00 p.m., Monday through Friday and from 8:00 a.m. to 6:00 p.m. Saturday. Except in the event of an emergency where work is authorized by the city administrator, any work performed on Sunday is prohibited. Directional boring is permitted only Monday through Friday.