

ORDINANCE NO. 2024.11-B

AN ORDINANCE OF THE CITY OF PINEY POINT VILLAGE, TEXAS, AMENDING CHAPTER 74, ARTICLE I. SECTION 74-1 –DEFINITIONS BY ADDING NEW DEFINITIONS FOR TERMS RELATED TO OUTDOOR LIGHTING AND REMOVING THE DEFINITION OF *YARD LIGHT*; BY REVISING PARAGRAPH (4) OF SECTION 74-244(b) – HEIGHT REGULATIONS; BY REVISING SECTION 74-245(d) – OUTDOOR LIGHTING; REPEALING ALL ORDINANCES AND PART OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the zoning regulations and districts established in Chapter 74 of 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, 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 considered the recommendation of the Planning and Zoning Commission and 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 Exhibit A, attached hereto. All other portions of the Piney Point Village Code of Ordinances not specifically amended hereby remain in full force and effect.

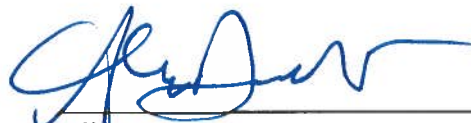
Section 3. All other portions of the Piney Point Village Code of Ordinances not specifically amended hereby remain in full force and effect.

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 All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 5. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 6. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Piney Point Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

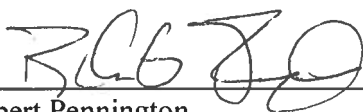
PASSED, APPROVED, AND RESOLVED this 18 day of November 2024.



Aliza Dutt
Mayor



Attest:



Robert Pennington
City Administrator / City Secretary

ORDINANCE NO. 2024.11-B

EXHIBIT 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.

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) *Outdoor lights*. 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.

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, 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. 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 aimed within the property boundaries, so that 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 such outdoor lighting will not cause or permit any illumination from the lighting in excess of 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 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.

- (6) *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.

- (7) 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.