

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KYLE, TEXAS; AMENDING CHAPTER 53 ("ZONING"), ARTICLE V ('LANDSCAPING AND SCREENING REQUIREMENTS'); AUTHORIZING THE CITY SECRETARY TO AMEND ORDINANCE 438 OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; AMENDING THE TITLE OF THE ARTICLE; ASSIGNING SECTION NUMBERS TO THE ARTICLE TEXT AS REQUIRED; ESTABLISHING PURPOSE, SCOPE, EXEMPTIONS, DEFINITIONS, PROVISIONS FOR NON-CONFORMITIES, PLAN SUBMITTAL REQUIREMENTS, GENERAL REQUIREMENTS, PROVISIONS FOR VARIANCES, AND ESTABLISHING CIVIL AND CRIMINAL PENALTIES; AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED AS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Kyle is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, the City's Zoning Ordinance in Chapter 53 of the City Code currently has limited regulatory provisions related to the establishment of new exterior lighting; and

WHEREAS, there is desire on the part of the City to continue to permit the establishment of exterior lighting, so long as it is done in a sustainable and responsible manner; and

WHEREAS, in order to provide clarity and specificity of regulation, and allow for the proper establishment of new exterior site lighting, the Mayor and City Council desire to revise and augment said Zoning Ordinance; and

WHEREAS, the regulation of the development of real property, which presents off-site effects, is a reasonable and lawful police power of Texas home rule jurisdictions; and

WHEREAS, the Mayor and City Council have reviewed these recommended changes to the Kyle Zoning Ordinance and find that it furthers the City's intended policies and plans and will better serve as Zoning Ordinances for the future of the City's development; and

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

SECTION 1. Ordinance 438 amended as set forth in Exhibit A. Added text is indicated by underlining. Deleted text is indicated by strikethroughs. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate and consistent with the existing numbering and formatting of the existing ordinance.

SECTION 2. That the City Secretary is hereby authorized and directed to update the City of Kyle code to reflect the changes made in Exhibit A and by proper endorsement indicate the authority for said notation.

SECTION 3. If any provision, section, sentence, clause, or phrase of this Ordinance, or

the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Kyle in adopting this Ordinance, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 4. Any text or clause found within the text of Chapter 53 (Zoning) of the City Code of the City of Kyle, which is in direct conflict with any provision or requirement in this ordinance amendment text, or redundant to the text of same, is to be deleted in its entirety.

SECTION 5. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of approval.

SECTION 6. It is hereby officially found and determined that, the meeting at which this ordinance was passed, was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the 2nd day of August, 2016, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code; and

IF REQUIRED PURSUANT TO THE CITY OF KYLE CHARTER, THEN READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the 17th day of August, 2016, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this _____ day of _____, 2016.

R. Todd Webster, Mayor

ATTEST:

Jennifer Vetrano, City Secretary

EXHIBIT 'A'

Chapter 53, Article V, 'Landscaping, Screening, and Outdoor Lighting'.

PURPOSE:

The purpose of this section is to provide regulations for outdoor lighting that will:

1. Permit the use of outdoor lighting that does not exceed the minimum levels specified in the Illuminating Engineering Society recommended practices for nighttime safety, utility, security, productivity, enjoyment, and commerce.
2. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
3. Curtail light pollution, reduce sky glow and improve the nighttime environment for astronomy.
4. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
5. Conserve energy and resources to the greatest extent possible.

SCOPE:

1. This Ordinance applies to all new Non-Residential and Multi-Family development requiring Site Plan approval subject to zoning requirements. Any Non-Residential (e.g. businesses) or Multi-Family property already in existence on the effective date of this Ordinance shall be exempt from this Ordinance except, all Non-Residential and Multi-Family properties going through re-development through extension, reconstruction, resurfacing, or structural alteration of at least fifty (50) percent increase in size or value, whichever is less, must come into compliance with this Ordinance. Site plan approval shall be conditioned on compliance with this Ordinance.
2. Nothing herein shall be construed as preventing or limiting the City from applying this Section to the ETJ through agreements with property owners, or as a term affixed to a conditional approval (such as a variance).

EXEMPTIONS.

The following are exempt from the application of the regulations of this ordinance:

1. Lighting equipment required by law to be installed on motor vehicles or lighting required for the safe take-off and landing aircraft.
2. Temporary holiday decorations, for the time period commencing 30 days prior to the holiday, and extending not later than 30 days after the holiday.
3. Lighting needed during activities of law enforcement, fire and other emergency services.
4. Lighting employed during emergency repairs of roads and utilities may be unshielded.
5. Temporary lighting required to save lives or property from imminent peril.
6. In lighting zones 2, 3 and 4, low voltage landscape lighting controlled by an automatic device that is set to turn the lights off at one hour after the site is closed to the public or at a time established by the authority.

DEFINITIONS.

Additions: Additions to existing establishments of twenty-five percent or more in terms of gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this ordinance.

Foot Candle: A measure of luminance, i.e. visible light falling on a given surface. One-foot candle is equal to one lumen per square foot. Illumination can be measured in foot-candles both horizontally and vertically with an illumination photometer.

Full Cut-Off Fixtures: Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

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

Holiday Lighting: Lighting used for a specific celebration which may be one of the following types:

1. (a) Festoon type low-output lamps, limited to small individual bulbs on a string.
2. (b) Low-output lamps used to internally illuminate yard art.
3. (c) Flood or spot lights producing less than 2000 lumens each, whose light source is not visible from any other property, and which are used only as temporary lighting.

IESNA: The Illuminating Engineering Society of North America, is an organization that establishes updated standards and illumination guidelines for the lighting industry.

IDA: The International Dark Sky Association.

Lighting: Any source of light that does not include natural light emitted from celestial objects or fire. The term includes any type of lighting, fixed or movable, designed or used for outdoor illumination of buildings or homes, including lighting for billboards, streetlights, canopies, gasoline station islands, searchlights used for advertising signs, and area-type lighting. The term includes luminous elements or lighting attached to structures, poles, the earth, or any other location.

Light Trespass: Light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle driver's eyes, or upwards toward the sky.

Lighting Zones: reflect the base (or ambient) light levels desired by a community. The use of lighting zones (LZ) was originally developed by the International Commission on Illumination (CIE) and appeared first in the US in IES Recommended Practice for Exterior Environmental Lighting, RP-33-99.

LZ1: Light Zone 1 is the IESNA's recommended default zone for rural and low-density residential areas for low ambient lighting levels.

Logo: A representation or symbol adopted by a business, organization, or an individual used to promote instant public recognition.

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

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

Luminous Elements (of a Light Fixture): The lamp (light bulb), any diffusing elements, and surfaces intended to reflect or refract light emitted from the lamp individually or collectively compromise the luminous elements of a light fixture (luminaire).

Major Addition: Enlargement of fifty percent or more of the building's gross floor area, seating capacity, or parking spaces, either with a single construction project or cumulative series of construction projects, after the enactment of this section. The term also includes replacement of twenty-five percent or more of installed outdoor lighting.

Outdoor Lighting: Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Non-residential fixtures that are installed indoors that cause light to shine outside are considered outdoor lighting for the intent of this section. (See Figure A). Residential fixtures installed indoors generating more than 6200 lumens (approximately equal to a 300 watt incandescent bulb) that cause light to shine outside are also a non-residential application of indoor lighting, labeled FS, which will be subject to this Ordinance and indoor lighting, labeled A, which is installed so that it is not subject to this Ordinance.

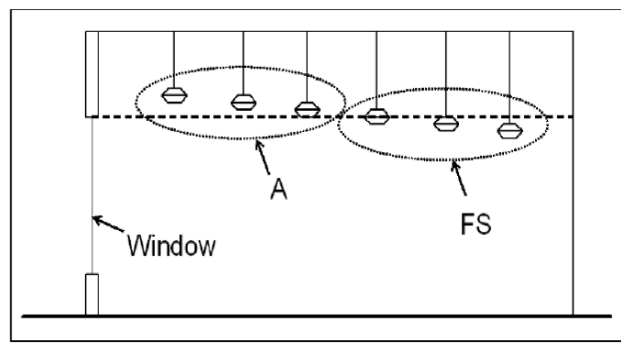


Figure A: Elevation view showing a non-residential application of indoor lighting, labeled FS, which will be subject to this article and indoor lighting, labeled A, which is installed so that it is not subject to this article.

Shielded Lights: Outdoor light fixtures shielded or construction so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. This light is also considered a Full Cut-Off

Fixture. Examples of fully shielded or full cut-off light fixtures: public street and pedestrian lighting, parking lots, pathways, recreational areas, billboards, product display area lighting, and building overhangs and open canopies.

- a. The light bulb should not extend below the lampshade to ensure the best optimal light direction

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

Temporary Lighting: Lighting intended for uses which by their nature are of limited duration. For example: holiday decorations, civic events, or construction projects.

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

NEW LIGHTING:

- (a) General. All outdoor lighting shall be installed in conformance with the provisions of this article, applicable electrical codes, energy codes, and building codes, except as provided herein.
- (b) Prohibition. It is an offense to install outdoor lighting that does not comply with the standards established by this article.
- (c) Nonresidential. All outdoor lighting installed on nonresidential properties shall conform to the standards by this article, except as provided herein.
- (d) Residential. All outdoor lighting installed on residential properties that is affixed to a construction project for which a building permit is required under this code shall conform to the standards established by this article.

NONCONFORMING EXISTING LIGHTING:

General.

- 1) All existing outdoor lighting in Commercial zoning districts that was legally installed before the enactment of this Ordinance, that does not conform with the standards specified imposed by this article shall be considered nonconforming. Nonconforming outdoor lighting is allowed to remain until required to be replaced pursuant to the terms of this article.
- 2) If more than fifty percent of the total appraised value of a structure has been destroyed, the nonconforming status expires and the development site's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this Ordinance.
- 3) Nonconforming outdoor lighting shall be brought into conformance with this article as follows:
 - a) Nonresidential-major addition. All existing outdoor lighting located on a subject property that is part of an application for a rezoning application, conditional use permit, subdivision approval, or a building permit for a major addition is required to be brought into conformance with this article before final inspection, issuance of a certificate of occupancy, or final plat recordation, when applicable. For the following permits issued by the city, the applicant shall have a maximum of 90 days from date of permit issuance to bring the lighting into conformance: site development permit, sign permit for an externally or internally-illuminated outdoor sign, initial alcoholic beverage permit, initial food establishment permit, and on-site sewage facility permit.
 - b) Residential addition or remodel. Nothing herein shall be construed to terminate a residential property's nonconforming status as a result of an addition or remodel.
 - c) Abandonment of nonconformity. A nonconforming structure and/or use shall be deemed abandoned if the structure and/or use remains vacant/dormant/unused for a continuous period of six (6) months. In that instance, the site's nonconforming status expires and the site's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.
 - d) It is unlawful to expand, repair or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.
 - e) New Uses or Structures, or Change of Use. Whenever there is a new use of a property (zoning or variance change) or the use on the property is changed, all outdoor lighting on the property shall be brought into compliance with this Ordinance before the new or changed use commences.

- f) Major Addition. All existing outdoor lighting located on a subject property that is part of an application for a rezoning application, conditional use permit, subdivision approval, or a building permit for a Major Addition is required to be brought into conformance with this Ordinance before final inspection, issuance of a Certificate of Occupancy, or final plat recordation, when applicable.

Prohibitions.

It is unlawful to expand or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned. Nothing in this ordinance shall prohibit the usual and customary repair, replacement of components, or maintenance of non-conforming outdoor lighting; however, damage or destruction of non-conforming outdoor lighting which requires repair or replacement of wiring, and/or structural components of the housing, mount, and/or base, is not permissible. Such lighting, if re-established, must be replaced with compliant fixtures.

SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE:

Plan Requirements.

All non-residential and multi-family building permit applications must include an outdoor lighting plan which includes the following information:

1. The location of all existing and proposed light fixtures (should be included on the site plan) with projected hours of use.
2. Types of timing devices used to control the hours set for illumination.
3. A lighting fixture table that includes the total area (square footage) to be illuminated, the cut-off fixture descriptions, lamp source types (i.e., incandescent, low pressure sodium, compact fluorescent, LED, etc.), lumen output, wattage, number of lamps, and mounting height of all existing and proposed lamps.
4. Lighting manufacturer-supplied specification “cut sheets” that include photographs for all existing and proposed light fixtures.
5. For all plans of more than three fixtures: A calculation summary indicating footcandle levels on the lighting plan, noting the maximum, average and

minimum, as well as the uniformity ratio of maximum to minimum, and average to minimum levels.

6. A statement signed by the property owners and acknowledged before a Notary Public that the Applicant has received notification of the provisions of this ordinance and that the photometric measurement shall be zero at all locations three feet past the property line perimeter.

Inspection.

Verification that a non-residential and multi-family construction project requiring a building permit application has complied with the provisions of this ordinance shall occur during the final electrical inspection by the certifying and sealing Engineer.

LIGHTING ZONES:

The Lighting Zones shall determine the limitations for lighting as specified in this ordinance. The Lighting Zones shall be categorized as follows:

a) LZ-0: No Ambient Lighting

Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.

Default zone for wilderness and protected wildlife areas, parks and preserves, and undeveloped rural areas.

Shall be applied to areas in which permanent lighting is not expected and when used, is limited in the amount of lighting and the period of operation. Special review should be required for any permanent lighting in this zone. Some rural communities may choose to adopt LZ-0 for residential areas.

b) LZ-1: Low Ambient Lighting

Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

Zoning Districts: A; R-1; R1-1; R1-2; R-1-A; R-1-T; R-2; M-2; M-3;

Default zone for rural and low density residential areas, including residential single or two family; agricultural zone districts; rural residential zone districts; business parks; open space include preserves in developed areas.

Lighting Zone 1 pertains to areas that desire low ambient lighting levels. These typically include single and two family residential communities, rural town centers, business parks, and other commercial or industrial/ storage areas typically with limited nighttime activity. May also include the developed areas in parks and other natural settings.

c) LZ-2: Moderate Ambient Lighting

Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

Zoning Districts: R-3-1; R-3-2; R-3-3; HS; CC;

Default zone for light commercial business districts and high density or mixed-use residential districts. Includes neighborhood business districts; churches, schools and neighborhood recreation facilities; and light industrial zoning with modest nighttime uses or lighting requirements.

Lighting Zone 2 pertains to areas with moderate ambient lighting levels. These typically include multifamily residential uses, institutional residential uses, schools, churches, hospitals, hotels/motels, commercial and/or businesses areas with evening activities embedded in predominately residential areas, neighborhood serving recreational and playing fields and/or mixed use development with a predominance of residential uses.

d) LZ-3: Moderately High Ambient Lighting

Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.

Zoning Districts: CBD-1; CBD-2; R/S; C-1; C-2; E; T/U;

Default zone for large cities' business district. Includes business zone districts; commercial mixed use; and heavy industrial and/or manufacturing zone districts.

Lighting Zone 3 pertains to areas with moderately high lighting levels. These typically include commercial corridors, high intensity suburban commercial areas, town centers, mixed use areas, industrial uses and shipping and rail yards with high night time activity, high use recreational and playing fields, regional shopping malls, car dealerships, gas stations, and other nighttime active exterior retail areas.

e) LZ-4: High Ambient Lighting

Areas of human activity where the vision of human residents and users is adapted to high light levels. Lighting is generally considered necessary for safety, security and/or convenience and it is mostly uniform and/or continuous. After curfew, lighting may be extinguished or reduced in some areas as activity levels decline.

Zoning Districts: HI; W; C/M; LI;

Not a default zone. Includes high intensity business or industrial zone districts. LZ-4 may be used for extremely unusual installations such as high-density entertainment districts, and heavy industrial uses.

Lighting zone 4 pertains to areas of very high ambient lighting levels. LZ-4 should only be used for special cases and is not appropriate for most cities.

*Note: Lighting Zone designation for PUD Districts will be determined on a case-by-case basis --at the discretion of the Mayor & City Council-- at the time of request for zoning approval.

GENERAL REQUIREMENTS:

This section sets out the requirements that apply to all lighting, both residential and non-residential.

A. Conformance with All Applicable Codes

All outdoor lighting shall be installed in conformance with the provisions of this ordinance, applicable Electrical and Energy Codes, and applicable sections of the building code.

B. Applicability

Except as described below, all outdoor lighting installed after the date of effect of this ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

PROHIBITIONS:

It shall be unlawful and an offense for any person/entity to do the following:

- a. Install lighting contrary to this section; and/or
- b. Fail to comply with any terms or conditions set forth in a permit issued under this section.

Fixtures.

The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.

The installation of any wall pack style fixture for use as outdoor lighting is prohibited unless the fixture is rated by the manufacturer as full cut-off. Examples of acceptable wall packs, when mounted with light directed downward only are shown in Figure I.

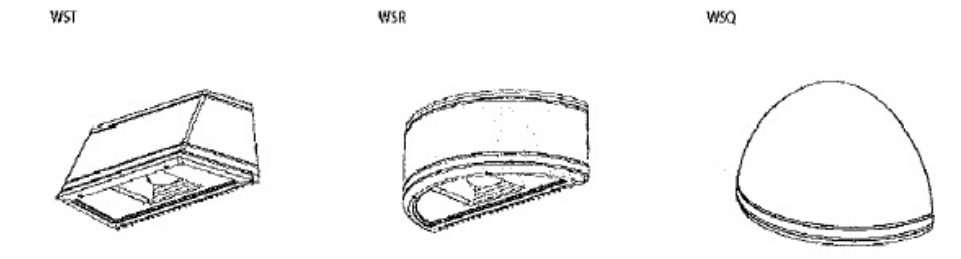


Figure I: Examples of Acceptable Wall Packs

The installation of any barn-light style fixture for use as outdoor lighting is prohibited unless the fixture includes a full opaque reflector instead of the standard translucent lens. An example of barn-light style with and without the required opaque reflector is shown in Figure J.



Figure J: Prohibited Fixture (left) vs. Acceptable Fixture (right)

The operation of searchlights for advertising purposes is prohibited.

SHIELDING AND TOTAL LIGHT TRESPASS STANDARDS:

Parking.

All parking lot lighting shall have no light emitted above an angle of 90 degrees (i.e. light shall not shine above the horizon).

Shielding.

All outdoor lighting, except governmental owned streetlights, shall be shielded so that luminous elements of the fixture are not visible from any other property. Mounting height or proximity to property lines may cause the luminous elements of a light fixture to need additional shielding. The following are examples of shielding and lack of shielding: (see figures B and C.)

Figure B (Typical *Shielded* Outdoor Lighting)



In Figure C (below), the lights on the left are non-conforming. Those on the right can be used in most cases. However, the mounting height and proximity to the property line may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

UNSHIELDED FIXTURES

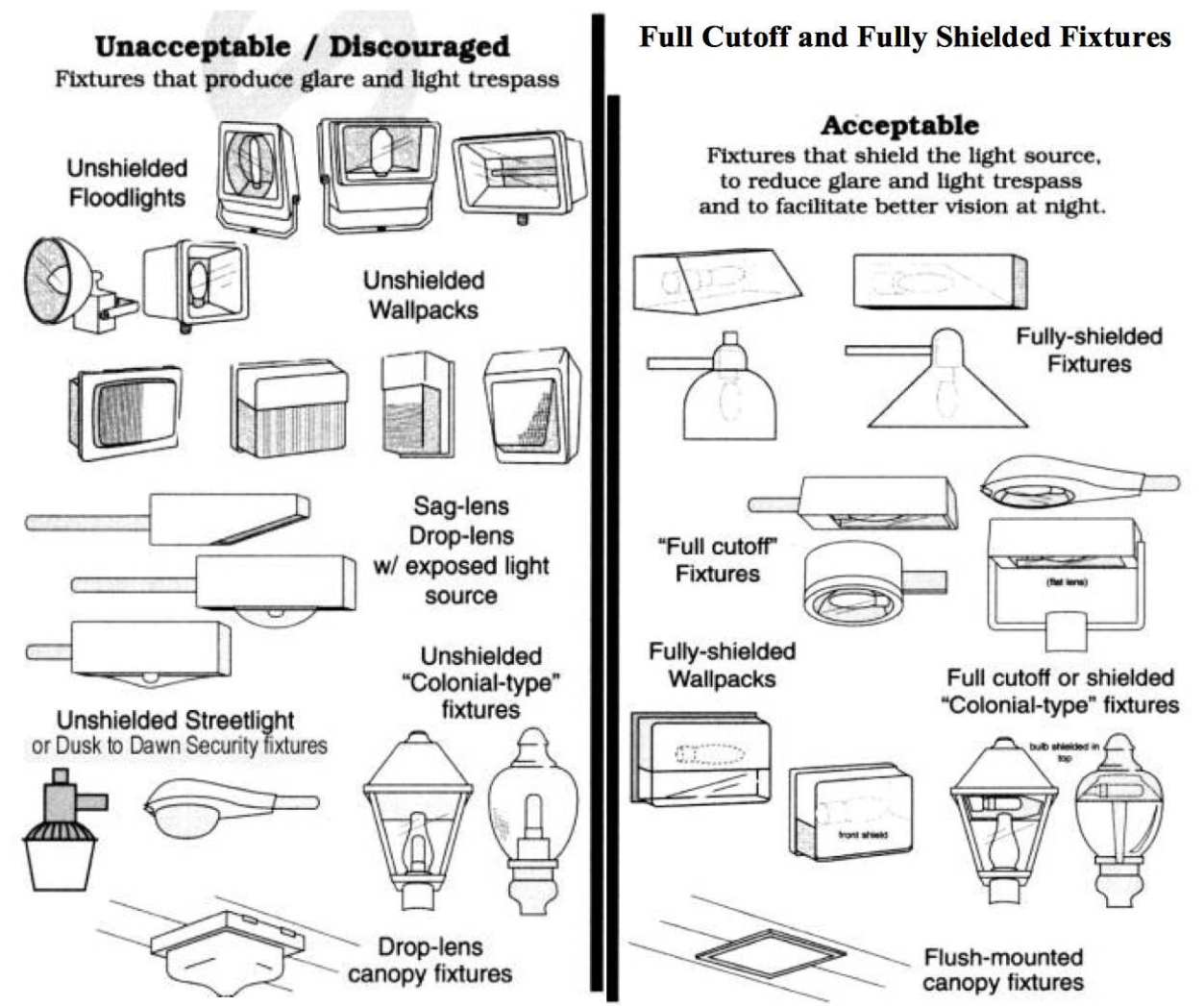


Figure C (Examples of Prohibited and Permitted Outdoor Lighting)

Public Lighting.

Governmental owned street lights shall meet the qualifications to be full cut-off fixtures in order to limit Light Trespass. (See Figure D).

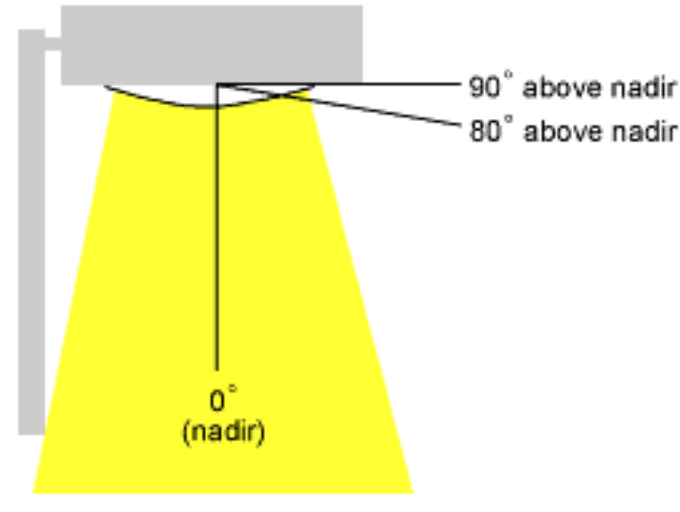


Figure D (Full Cut-Off Fixture that Limits Light Trespass)

Prohibitions.

Outdoor Uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixtures(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this Section.

Outdoor lighting fixtures, except Uplighting covered in this Section, are not allowed to have light escape above a horizontal plane running through the lowest point of the luminous elements. (See Figures E and F).



Figure E: Permitted Fixtures with Zero Lighting above Horizontal Plane



Figure F: Prohibited Fixtures with Light Escape above Horizontal Plane

There shall be no light trespass across property lines. The photometric measurement shall be zero at all locations three feet past the property perimeter.

Outdoor Recreational Facilities.

Outdoor recreational facilities are subject to the shielding requirements in this section. Where fully shielded fixtures are not available, lighting fixtures using external louvers or shields that, in the final installed configuration, extend to within 3 inches on the lowest portion of the light fixture opening are required. (See Figure G). The fixtures shall be installed and maintained with aiming angles that permit no greater than 1% of the light emitted by each fixture to project above the horizontal line.

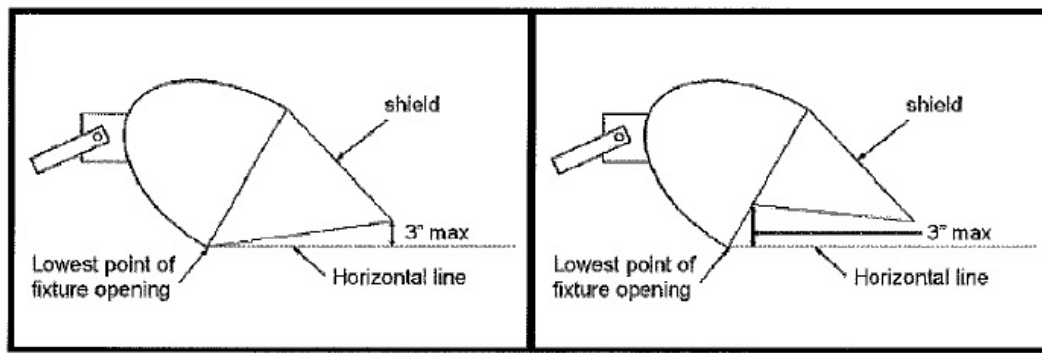


Figure G: Sports Lighting where Fully Shielded Fixtures are Not Available

LIGHTING FOR OUTDOOR SIGNS AND PANELS:

Refer to the City of Kyle Sign Ordinance *Section 7-13. Illumination* for sign lighting regulations. (page 1)

NEON LIGHTING:

Neon lighting is permitted. Such lighting shall be subject to the shielding requirements of this Ordinance unless exempted.

LIGHTING CURFEWS:

Outdoor Lighting.

Outdoor lighting intended to be illuminated for more than 30 minutes after closing, or for the completion of activities after closing, must be reduced to 25 percent or less of the normal lumen output. Motion sensor activation may be allowed to cause the light to resume normal lumen output only when activated and to be reduced back to 25 percent or less of normal lumen output within five minutes after activation has ceased, and the light shall not be triggered by activity off the property.

Sign Illumination.

Illumination for all advertising signs, both externally and internally illuminated, shall be turned off by the later of closing time or 11:00 P.M.; provided, however, that such signs may be turned back on prior to sunrise, but no more than one hour prior to opening.

Street Lighting.

Street Lighting, other than at the intersection of roadways, shall utilize half-night photocells or timers to turn off lights half way between dusk and dawn.

Outdoor Recreational Facilities.

Lighting for outdoor recreational facilities is allowed between one hour prior to sunset and 11:00 p.m., unless it is needed to complete a specific organized activity or event already in progress at 11:00 p.m.

VARIANCES:

The Kyle Board of Adjustment may grant variances to the requirements of this section, pursuant to the applicable policies and procedures established in Article IX of the Kyle zoning ordinance.

CIVIL & CRIMINAL PENALTIES:

The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.

PUBLIC NUISANCE:

General.

Any violation of this ordinance that results in Light Trespass or an unreasonable interference with the common and usual use of neighboring and/or nearby property is hereby declared to be a public nuisance, which is prohibited by this ordinance.

Offense.

It is an offense under this ordinance for a person to emit light onto the property of another unreasonably interfering with the neighboring and/or nearby property owner's use and enjoyment of their property.