

ORDINANCE 2009 - 8

AN ORDINANCE AMENDING CHAPTER 25. ZONING,
ARTICLE IV. SUPPLEMENTAL DISTRICT
REGULATIONS, DIVISION 2. ENVIRONMENTAL
CONTROLS, OF PORT ARANSAS CODE OF
ORDINANCES IN REFERENCE TO LIGHTING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT
ARANSAS, COUNTY OF NUECES, STATE OF TEXAS:

Section 1. Amendment. Chapter 25, Division 2. Environmental Controls, Sec. 25-146. Controls established, of Port Aransas Code of Ordinances is hereby amended to read as follows, new matter being indicated by underscoring and deleted matter by interlineation.

DIVISION 2. ENVIRONMENTAL CONTROLS

Sec. 25-146. Controls established.

- (a) *Screening.* Open storage and loading or service areas shall be screened from any adjacent residence or public way by six-foot, opaque fencing, junk, trash or debris shall be confined out of sight.
- (b) *Green space.* In any multi-family dwelling development there shall be three hundred twenty-five (325) square feet of green space per dwelling unit average.
- (c) *Lighting.* The shining of light produced by a luminaire beyond the boundaries of the property on which the luminaire is located and onto another property under circumstances where the lighting element of the luminaire is visible from such other property and in such a manner and with such intensity as to disturb and annoy the reasonable sensibilities of a person living on and using such other property in a reasonable and customary manner as a residence is declared to be a nuisance and is prohibited. Traffic control lights and low intensity gas lighting fixtures are exempt from this ordinance. Existing street lights are exempt from this ordinance, however, it shall be the policy of the city that any street light replacement shall be a "Cut-off refractor" lighting type. Public facilities that are exempt from this ordinance include parks, sports fields and the airport. All other city facilities shall meet this ordinance, those include: City Hall, Library, Police/EMS, Public Works, Fire station, Transfer station, Marina, fishing piers, and the Community Center/Museum complex.

Section 2. Effective Date. As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Port Aransas.

Section 3. Reading. As provided by Article III, Section 13 and Article III, Section 12.b. of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

Section 4. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 5. Publication. As provided by Article III, Section 12.C., this ordinance shall be published one time in the official newspaper of the City of Port Aransas, Nueces County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED this 18th day of June, 2009.

CITY OF PORT ARANSAS

BY: _____



The Hon. Claude Brown, Mayor

ATTEST:



Esther Arzola, City Secretary