

PLANNING & ZONING COMMISSION October 25, 2021

A quorum of the City Council may be present at this meeting.

WORK SESSION: 6:00 PM

- 1. Call to Order and roll call.
- **2.** Recap of the City Council action and discussion on Planning and Zoning recommended cases.
- **3.** Discussion of all items on tonight's meeting agenda.
- **4.** Adjournment.

REGULAR SESSION: 6:00 PM or immediately following the Work Session.

- 1. Call to Order and roll call.
 - **2.** Pledge to the flags.
 - **A.** United States of America
 - **B.** Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible
- 4. OPEN FORUM: The Planning and Zoning Commission invites persons with comments or observations related to city issues, projects, or policies to briefly address the Planning and Zoning Commission. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the Planning and Zoning Commission Meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, there is a three-minute limitation on any person addressing the Planning and Zoning Commission. State law prohibits the Planning and Zoning Commission from discussing or taking action on any item not listed on the posted agenda.
- **5. NEW BUSINESS:** All matters listed as New Business will be discussed and considered separately.
 - **A.** Discuss with staff the development standards of the proposed Settler's Glen residential development.
 - **B.** Discuss with staff upcoming projects.
 - **C.** Discuss with staff the City's strategy on a page.

- Discuss, consider, and act on a resolution for a Conditional Use Permit authorizing the placement of a single manufactured housing unit to be placed on the one acre tract in the Benjamin Ford Survey, Abstract No. 317, Wise County, Texas and being a part of the 35.5 acres as described in the deed to Tony M. Dickey and Wife, Dorris E. Dickey as recorded in Volume 686, Page 874, Real Records, Wise County, Texas.
- **E.** Discuss, consider, and act on a Dark Sky Ordinance.
- **8. ADJOURN**: I, the undersigned authority, do hereby certify the above notice of the meeting of the Planning and Zoning Commission of New Fairview, is a true and correct copy of the said notice that I posted on the official posting place at New Fairview City Hall, FM 407, New Fairview, Texas, a place of convenience and readily accessible to the general public at all times, and said notice posted this 22nd day of October, 2021 at 6:00 PM at least 72 hours proceeding the meeting time.

Brooke Boller	SEAL:
Interim Deputy City Secretary	

This facility is wheelchair accessible; parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary at city hall 817-638-5366 or fax 817-638-5369 or by email at citysecretary@newfairview.org for further information.



Planning and Zoning Commission Agenda October 25, 2021

Agenda Item: (Work Session Item)

Agenda Description:

Discuss with staff the proposed annexation and zoning of 157 acres located in the City's ETJ, north of FM 407, and centrally located between the City Hall and the Shoop Ranch.

Background Information:

Staff has received proposed development standards and draft development agreement which are being reviewed by our consultants and City Attorney. The proposed neighborhood development would include an HOA for the maintenance of entryway features and common areas. It includes one-half acre lots (21,780 square feet) and a minimum of 2,000 square feet dwelling units. Staff has been told that the homes would be in the \$600,000 price range.



Financial Information:

Could potentially double the current total City tax base at build out.

City Contact and Recommendation:

Ben Nibarger, City Administrator

Attachments:

Draft Development Standards Draft Concept Plan

Settlers Glen Development Standards - New Fairview, TX

The Settlers Glen development has options for developing as a rural subdivision with limited city services or a more conventional suburban development with city services. The City of Fairview was originally called "Illinois Settlement" for settlers from communities in Illinois. All subdivision streets will be named for Illinois cities. Settlers Glen will take advantage of open spaces adjacent to existing gas wells for providing a minimum of 24 acres in community landscaped open spaces with connecting trails.

The 157 acre property will be annexed into the community of New Fairview. A permanent Homeowner's Association shall be established and the HOA management company will contract for the maintenance of entryway features and common areas.





Development Standards

The Stagecoach Crossing development shall adhere to the below listed conditions for Single Family Residential detached housing units.

STANDARD	One Family District
Minimum Lot Area	21,780 square feet
Minimum Dwelling unit size	2,000 square feet
Minimum Lot Width	90 feet
Minimum front yard	30 feet
Minimum side yard	10 feet
Minimum rear yard	20 feet
Height	35 feet
Parking requirements	2 off street parking
Streets	Concrete streets with bar ditches, no curb and gutter
Sidewalks	No sidewalks
Sanitary Sewer	Private Onsite System

Settlers Glen concept plan



Settlers Glen development standards:

- 1. All entryway features and common open space areas shall be owned and maintained by the home owner's association. The HOA shall be supported by mandatory fees charged to each homeowner, prorata, based on the projected maintenance and management costs. After initial installation and maintenance provided by the developer, such maintenance responsibilities shall be turned over to the homeowners, who shall be permanently responsible to maintain said common features and areas, using a professional management company.
- 2. Development entry signs shall be installed at major entrances.
- 3. No gardening or dumping grass or debris is allowed in the open space areas adjacent to private lots.
- 4. All private lots are required to have a minimum of 2 3'' caliper front yard trees and 1-ornamental tree which may be located anywhere on the lot.

APPROVED TREE LIST

FRONT YARD TREES

(2) 3" caliper required in front yard

Allee Lacebark Elm

Bald Cypress
Caddo Maple
Chinkapin Oak
Cedar Elm

Southern Live Oak Shumard Red Oak

ORNAMENTAL TREE LIST

(1) ornamental tree allowed in front or back yards

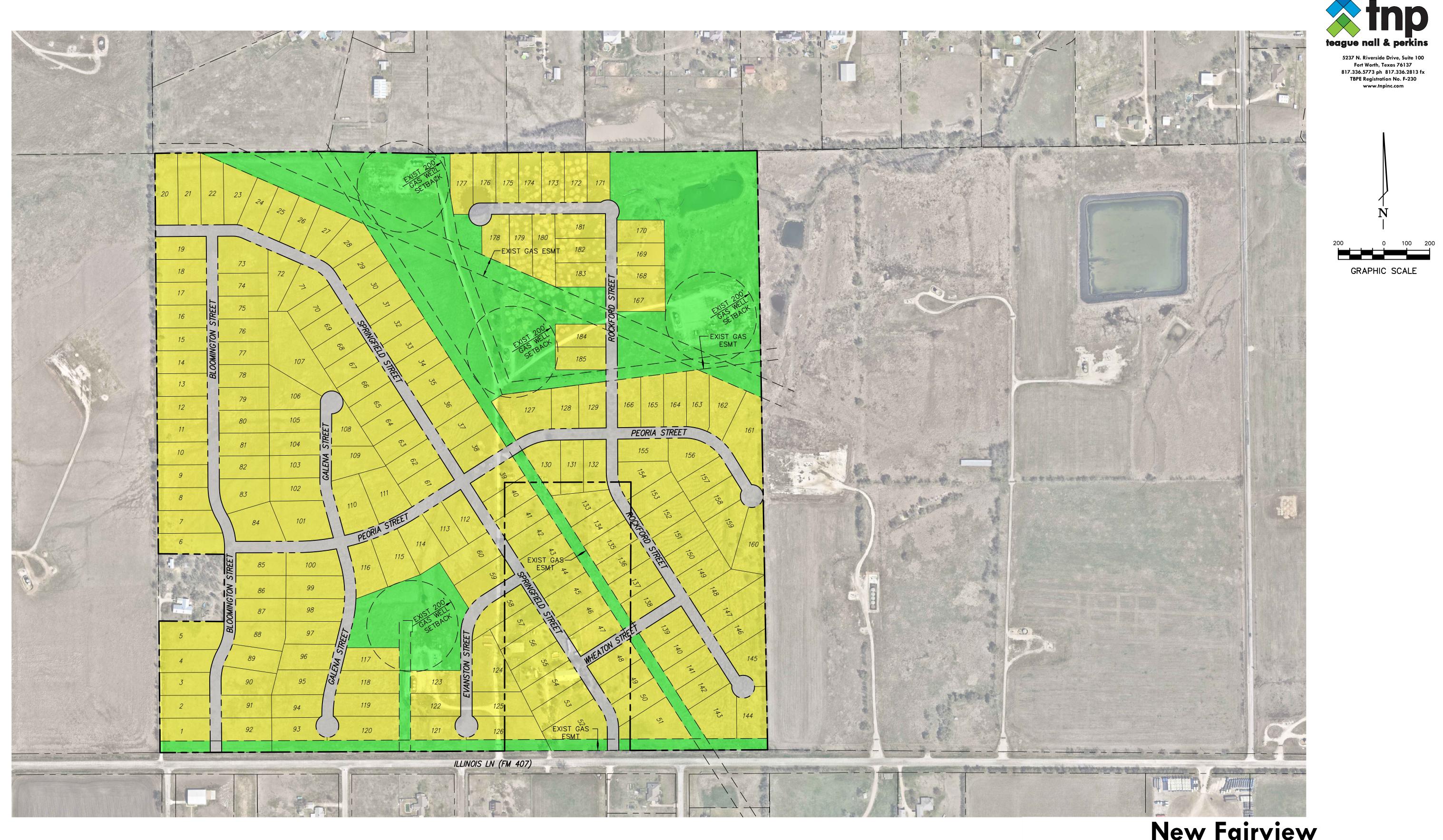
Chinese Pistache
Shoal Creek Vitax
Wax Myrtle
Desert Willow
Possumhaw Holly
Little Gem Magnolia

Oklahoma Redbud

5. Settlers Glen will include a minimum of 24 acres of landscaped open spaces with connecting trails.

Building design standards. Building design and appearance shall comply with the standards described below.

- 6. The exterior wall materials shall consist of the following masonry materials.
- a. Each building façade (excluding doors and windows) shall be finished in one or more of the following materials:
 - 1 Masonry (brick, stone; man-made stone) Masonry materials shall be installed in a craftsman like manner that are a minimum of one inch thick and imbedded in a cementitious reinforced substrate.
 - 2 Stucco and Cementitious siding in a smooth paintable finish and of traditional dimensions.
 - 3 Decorative accents made of wood, fiberglass, metal, ceramic-faced block or reinforced Exterior Insulating Finish System (EFIS) may not exceed 20% of the front façade, excluding windows and doors.
- 7. Each Residence must have a minimum for two-car garage accessed by the driveway. All garage doors must be decorative Raised Panel or Carriage Style, Aluminum construction.
- 8. Roofs shall have a minimum primary roof pitch of 6:12. Porch roofs and shed roofs shall have a minimum 3:12 pitch. Roof materials shall be constructed of at least 30-year shingles. Three-tab shingles are prohibited.
- 9. Each building shall include at least three of the following architectural elements, to be determined in the discretion of Owner or Builder.
 - a. At least two distinct masonry materials. (stone, brick, painted brick, stucco and cementitious siding)
 - b. Divided light or border light windows on street facing elevations, including front elevations and side elevations on corner lots.
 - c. Enhanced brick details, such as herringbone, rowlocks, and comparable details
 - d. Metal seam roof accents.
 - e. Cedar shutter accents.
 - f. Stone accents.
 - g. Decorative coach lighting.
 - h. Front Porches.
 - i. Cedar Columns.
 - i. Dormers.
 - k. Balconies.
 - I. 8' entry doors.



New Fairview
185 Residential Lots (100'x220' Typ)
September 2021



Planning and Zoning Commission Agenda October 25, 2021

Agenda Item: (Work Session Item)

Agenda Description:

Discuss with staff upcoming projects.

Background Information:

There are several projects that have recently been presented to the staff for potential development activities. There is no specific plan or use established but they have been acquired and are beginning the conversation to see how best to use the land and work with the City.





Financial Information:

N/A

City Contact and Recommendation: Ben Nibarger, City Administrator

Attachments:



Planning and Zoning Commission Agenda October 25, 2021

Agenda Item: (Work Session Item)

Agenda Description:

Discuss with staff the City's strategy on a page.

Background Information:

The Council, Commission and staff worked with a facilitator to develop the "Strategy on a Page" for alignment with the vision, mission, and strategic intents of the City. We need to review this as we begin the conversation regarding the comprehensive plan update and development of a unified development ordinance.

Financial Information:

N/A

City Contact and Recommendation:

Ben Nibarger, City Administrator

Attachments:

Strategy on a Page



Planning and Zoning Commission Agenda October 25, 2021

Agenda Item: (Action Item)

Agenda Description:

Discuss, consider, and act on a resolution for a Conditional Use Permit (CUP) authorizing the placement of a single manufactured housing unit to be placed on the one acre tract in the Benjamin Ford Survey, Abstract No. 317, Wise County, Texas and being a part of the 35.5 acres as described in the deed to Tony M. Dickey and Wife, Dorris E. Dickey as recorded in Volume 686, Page 874, Real Records, Wise County, Texas.

Background Information:

The Dickey family placed a manufactured home on their 35.5 acre property prior to understanding the zoning requirements. They have been working with staff to prepare the application and supporting documents for consideration by the Commission and City Council.



This requires notification of any property owner within 200 feet of the proposed location, which includes the applicant and can be seen in the image above. The conditions of this permit include the following:

- Allows for the placement of one manufactured home that will house family members of the property owners.
- The tract of land may not be subdivided while the manufactured home is located on the tract.
- The applicant will install evergreen vegetive screening with seventy-five percent (75%) opacity at maturity in five (5) years screening the manufactured home from all public streets and neighboring residential properties.

Financial Information:

N/A

City Contact and Recommendation:

Ben Nibarger, City Administrator Approve the CUP

Attachments:

Dickey Property Survey

Scale: 1" = 30'

Notes: The easements recorded in Vol. 190, Pg. 268, DRWCT; Vol. 561, Pg. 39, RRWCT are blanket easements and/or grants ingress & egress rights and may affect this tract. The bearings are based on the north line of the 35.5 acre tract as described in Vol. 686, Pg. 874, RRWCT being

South 89 deg. 56 min. 00 sec. East and is shown as reference bearing hereon.

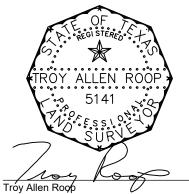
Note: This survey was performed in connection with the transaction described in: Survey performed for Tony Dickey without the benefit of a title commitment.

Arrow-Surveying

FIRM REGISTRATION NO. 10010800 P.O. Box 902, Decatur, Texas 76234 Ph. (940) 626-8034 e-mail: arrowsurvey@aol.com

 Iron Rod Set —x—x— Wood or Wire Fence ○ GM Gas Meter O Iron Rod Found −u−u− Overhead Utilities Δ EM Electric Meter

Δ Control Monument AG Air Conditioner Ø PP Power Pole All iron rods are 1/2" rebar unless otherwise noted.



Registered Professional Land Surveyor No. 5141

Date: 9-27-21 Drawn by: TR Job No. 2108001-HDH



City Council Agenda October 25, 2021

Agenda Item: (Action Item)

Agenda Description:

Discuss, consider, and act on a Dark Sky Ordinance.

Background Information:

One of the features most seen and valued in a rural setting are the stars. With development activities increasing and lights being installed for safety and convenience of residents and businesses some of our residents are already seeing a decrease in this valuable attribute. Additionally, light pollution, the cause for the loss of dark skies, affects public health, local wildlife, public safety, and results in a waste of finite resources. In order to maintain a rural feel, future development can be regulated to protect the valuable asset of dark skies. Organizations have been created to help cities and developments understand how they can be successful in creating safe and beautiful environments, while still maintaining a "dark sky."

- International Dark Sky Association https://www.darksky.org/
- International Dark Sky Association, Texas Chapter http://idatexas.org/
- Illumination Engineer Society of North America (IESNA) https://www.ies.org/
- Illinois Lighting http://www.illinoislighting.org/index.html
- Applications from other communities to become Dark Sky Communities

Several cities throughout the Country and the State have adopted ordinances and policies to protect their night skies through the regulation of night pollution. City staff has researched implementing a dark sky ordinance and has prepared an ordinance to be reviewed. Additionally, there are further actions that can be taken to secure the night sky, which include applying to become an official IDA community, and encouraging local communities to implement similar policies. Enforcement of the ordinance will be another major discussion point.

Financial Information:

Costs of implementing such an ordinance are being discussed with co-serve. A majority of the costs stems from retrofitting city lighting, including street lighting, building lighting, etc. Additionally, city staff are seeking potential energy saving grants with the U.S department of

Energy. Similar cities have noted that costs of implementing such an ordinance remained under \$10,000.

City Contact and Recommendation:

Salvador Gonzalez, Management Intern

Provide input and feedback to staff regarding the dark sky ordinance to prevent the loss of a rural feel brought on by future development light pollution. Furthermore, apply to become an official International Dark Sky community, and encourage surrounding communities to implement similar policies.

Attachments:

<u>Dark Sky Assessment</u> <u>Proposed Lighting Ordinance</u>

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF NEW FAIRVIEW, TEXAS CREATING THE OFFICE OF CITY ADMINISTRATOR AND ESTABLISHING JOB DUTIES AND QUALIFICATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND

WHEREAS, the City of New Fairview, Texas, is a Type A general law municipality located in Wise and Denton Counties, created in accordance with Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of New Fairview finds it necessary for the public health, safety and welfare that new standards for outdoor lighting be adopted; and

PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Fairview finds it necessary to reduce light pollution so that the nighttime environment may be improved for astronomy; and

WHEREAS, the City Council of the City of New Fairview finds it necessary to reduce the effects of light pollution on wildlife and fauna within the city; and

WHEREAS, the City Council of the City of New Fairview finds it necessary to limit the threat of public safety caused by light pollution, such as glare; and

WHEREAS, the City Council of the City of New Fairview finds it necessary to prevent future development from taking the night skies away from the residents of New Fairview via increased light pollution levels;

WHEREAS, the City Council of the City of New Fairview desires to be a dark-sky community to retain a rural feel throughout the city regardless of future developments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS:

SECTION .

That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION .

That Chapter 9, " Planning & Development Regulations" Exhibit B, Article 3 " Zoning

Districts", Outdoor "Lighting", Sections		through		of the	City of	New	Fairview
Code of Ordinances, as amended, is hereby	amen	ded as follo	ws:				

CHAPTER 9 PLANNING & DEVELOPMENT REGULATIONS

EXHIBIT B ZONING ORDINANCE

ARTICLE 3 ZONING DISTRICTS

Section Definitions

Accent lighting. Lighting used to emphasize or draw attention to a special object or building.

Adaptive Controls. Devices such as motion sensors, timers and dimmers used in concert with outdoor lighting equipment to vary the intensity or duration of operation of lighting.

Advertising searchlight. An outdoor advertising device used to direct beams of light upward. Ambient light. The general overall level of lighting in an area.

Brightness. Strength of the sensation that results from viewing surfaces from which the light comes to the eye.

Bulb or lamp. The source of electric light. To be distinguished from the whole assembly(see luminaire). Lamp often is used to denote the bulb and its housing.

Candela (cd). Unit of luminous intensity. One candela is one lumen per steradian. Formerly called the candle.

Candlepower. Luminous intensity expressed in candelas.

Candlepower distribution curve. A plot of the variation in luminous intensity of a lamp or luminaire.

Commission Internationale de 1' Eclairage (CIE). The International Commission on Illumination. Sets most lighting standards.

Coefficient of Utilization (CU). Ratio of luminous flux (lumens) from a luminaire received on the work plane" [the area where the light is needed] to the lumens emitted by the luminaire.

Color Rendering Index (CRI). A measure of the accuracy with which a light source of a particular CCT renders different colors in comparison to a reference light source with the same CCT under normal daylighting. A high CRI provides better illumination with the same or lower lighting levels.

Compact fluorescent. A discharge lamp having a coating of fluorescent material on its inner surface and containing mercury vapor whose bombardment by electrons from the cathode

provides ultraviolet light which causes the material to emit visible light.

Correlated Color Temperature (CCT). A measure in degrees Kelvin(° K) of light's warmness or coolness. Lamps with a CCT of less than 3, 200 °K are pinkish and considered warm. Lamps with a CCT greater than 4,000 °K are bluish—white and considered cool.

Cosine law. Illuminance on a surface varies as the cosine of the angle of incidence of the light. The inverse square law and the cosine law can be combined.

Cut off angle, of a luminaire. The angle, measured up from the nadir (i.e. straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.

Cutoff Fixture. An IES definition" Intensity at or above 90° (horizontal) no more than 2.5% of lamp lumens, and no more than 10% of lamp lumens at or above 80°".

Dark adaptation. The process by which the eye becomes adapted to a luminance less than about 0. 03 candela per square meter (0. 01 footlambert).

Diffuser. A device used to distribute light from a source.

Dimmer. Dimmers can reduce the input power requirements and the rated lumen output levels of in- candescent and fluorescent lights. Fluorescent lights need special dimming ballasts. Dimming Incandescent lights reduces their efficiency.

Disability glare. Glare resulting in reduced visual performance and visibility. It is often accompanied by discomfort.

Discomfort glare. Glare that produces discomfort, but does not necessarily diminish visual performance.

Efficacy. The ratio of light output to its consumption of power, measured in lumens per watt hn/W), or the ability of a lighting system to produce the desired result.

Efficiency. A measure of the effective or useful output of a system compared to the input of the system.

Energy (radiant energy). Unit is erg, or joule, or kWh.

Fagade lighting. The illumination of the exterior of a building.

Fixture. The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector(mirror) or refractor(lens), the ballast, housing, and the attachment parts.

Fixture Lumens. A light fixture's light output after processing of emitted light by optics in that

fixture.

Fixture Watts. The total power consumed by a fixture. This includes the power consumed by the lamp(s) and ballast(s).

Floodlight. A fixture designed to "flood" a well defined area with light.

Flux (radiant flux). Unit is erg/ sec or watts.

Footcandle. Illuminance produced on a surface one foot from a uniform point source of one candela. A footcandle is equal to one lumen per square foot.

Foodambert. The average luminance of a surface emitting or reflecting light at a rate of one lumen per square foot.

Full-cutoff fixture. An IES definition; "Zero intensity at or above horizontal (90° above nadir) and limited to a value not exceeding 10% of lamp lumens at or above 80°".

Fully shielded. A luminary constructed or shielded in such a manner that all light emitted by the luminary either directly from the lamp or indirectly from the luminary, is projected below the horizontal plane through the luminary's lowest light emitting part as determined by photometric test or certified by the manufacturer.

Glare. Direct lighting emitted from a luminary that causes reduced vision or temporary blindness. Intense and blinding light that reduces visibility. A light within the field of vision that is brighter than the brightness to which the eyes are adapted.

Halogen lamp. A specialized type of incandescent lamp which has a significantly hotter filament than conventional incandescent lights. Rather than filling the bulb with an inert gas, the halogen bulbs use a highly reactive element. The resulting reaction produces a significantly brighter light and at extremely high temperatures.

HID lamp. In a discharge lamp, the emitted energy (light) is produced by the passage of an electric current through a gas. High- intensity discharge (HID) include mercury, metal halide, and high pressure sodium lamps. Other discharge lamps are LPS and fluorescent. Some such lamps have internal coatings to convert some of the ultraviolet energy emitted by the gas discharge into visual output.

High pressure sodium (HPS). A high intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures (100 torr). BPS is essentially point source light.

Horizontal plane. A line horizontal to the lowest point on the fixture from which light is emitted.

House- side shield. Opaque material applied to a fixture to block the light from illuminating a residence or other structure being protected from light trespass.

Illuminance. Density of luminous flux incident on a surface. Unit is footcandle or lux.

Illuminating Engineering Society of North America (IES or IESNA). the professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

Incandescent lamp. Any lamp that produces light by heating a filament through use of an electric current.

Infrared radiation. Electromagnetic radiation with longer wavelengths than those of visible light, extending from the nominal red edge of the visible spectrum at 700 nanometers to 1 mm.

Intensity. the degree or amount of energy or light.

Internally Illuminated Architecture. Any architectural element including walls or portions of buildings that is internally illuminated and that is not a sign, windows, or doors.

International Dark-Sky Association (IDA, Inc.). A non-profit organization whose goals are to build awareness of the value of dark skies, and of the need for quality outdoor lighting.

Inverse-square law. The illuminance at a point varies directly with the intensity, I, of a point source and inversely as the square of the distance, d, to the source. E = I/d2

kWh: Kilowatt-hour. A unit of energy equal to the work done by one kilowatt(1000 watts) of power acting for one hour.

Lamp Life. The average lifespan for a specific type of lamp. Half of lamps will perform longer than the average; the others will fail before the average.

LED. Light emitting diode. A semiconductor device that emits visible light when an electric current passes through it.

LED, Narrow-Spectrum(Band) Amber. A light emitting diode (LED) with a peak wavelength between 585 and 595 nanometers and a full width at 50 percent power no greater than 15 nanometers.

Light Pollution. Any adverse effect of artificial light.

Light Quality. A measurement of a person's comfort and perception based on the lighting.

Light source. A device (such as a lamp) which produces visible energy as distinguished from devices or bodies which reflect or transmit light such as a luminary.

Light Spill. The unwanted spillage of light onto adjacent areas and may affect sensitive receptors particularly residential properties and ecological sites.

Light Trespass. The light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

Lighting Controls. The devices used for either turning lights on and off or for dimming. Photocells Sensors that turn lights on and off in response to natural light levels. Some advanced mode can slowly dim or increase the lighting.

Low-Pressure Sodium (EPS) lamp. A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure (about 0.001 torr). LPS is a" tube source". It is monochromatic light.

Lumen. A unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela.

Lumen depreciation factor. The light loss of a luminaire with time due to the lamp decreasing in efficiency, dirt accumulation, and any other factors that lower the effective output with time.

Luminaire. A complete lighting unit that usually includes the fixture, ballasts, and lamps.

Luminaire Efficiency. The ratio of the light emitted by the luminaire compared to the light emitted by the enclosed lamps.

Luminance. At a point and in a given direction, the luminous intensity in the given direction produced by an element of the surface surrounding the point divided by the area of the projection of the element on a plane perpendicular to the given direction. Units: candelas per unit area.

Luminary. A device or fixture containing a light source and means for directing and controlling the distribution of light from the source.

Lux. One lumen per square meter. Unit of illuminance.

Mercury lamp. A high intensity discharge lamp where light is produced by radiation from mercury vapor.

Metal halide lamp. A high intensity discharge lamp where light is produced by radiation from metal halide vapor.

Nadir. A point on the celestial sphere directly below the observer, diametrically opposite the zenith.

Nanometer (nm). 10^{-9} meter. Often used as the unit for wavelength in the EM spectrum.

Nonessential lighting. Lighting that is not required to ensure the security, safety and the general welfare of the public and the premises.

Occupancy Sensors, Passive Infrared. A lighting control system that uses infrared beams to

sense motion. When beams of infrared light are interrupted by movement, the sensor turns on the lighting system. If no movement is sensed after a predetermined period, the system turns the lights off.

Occupancy Sensors, Ultrasonic. A lighting control system using high—frequency sound waves pulsed through a space to detect movement by depth perception. When the frequency of the sound waves change, the sensor turns on the lighting system. After a predetermined time with no movement, the system turns the lights off.

Opaque. Material must not transmit light from an internal illumination source.

Optic. The components of a luminaire such as reflectors, refractors, protectors which make up the light emitting section.

Outdoor Light Output, Total. The maximum total amount of light, measured in lumens, from all outdoor light fixtures. Includes all lights and luminous tubing used outdoors or in areas open to the outdoors, and lights used for external illumination of signs, but does not include lights used inside of internally illuminated signs or luminous tubing used in neon signs. For luminous tubes used outside of signage, output is calculated per linear foot of tubing rather than per lamp. For lamp types that vary in their output as they age (such as high pressure sodium, metal halide and fluorescent), the initial output, as defined by the lamp manufacturer, is the value to be considered.

Partially Shielded. Shielding so that the lower edge of the shield is at or below the centerline of the light source or lamp so as to minimize light transmission above the horizontal plane, or at least 90 percent of the emitted light projects below the horizontal plane as evidenced by the manufacturer's photometric data.

Photocell. An electronic device that changes the light output of a luminaire dynamically in response to the ambient light level around the luminaire.

Photometry or Photometric. The quantitative measurement of light level and distribution.

Quality of light. A subjective ratio of the pluses to the minuses of any lighting installation.

Reflector. An optic that achieves control of light by means of reflection (using mirrors).

Refractor. An optic that achieves control of light by means of refraction(using lenses).

Semi-cutoff fixture. An IES definition; "Intensity at or above 90 (horizontal) no more than 5% of lamp lumens and no more than 20% at or above 80°".

Shielding. An opaque, physical structure intended to restrict the transmission of light.

Skyglow. Diffuse, scattered sky light attributable to scattered light from sources on the ground.

Source Intensity. This applies to each source in the potentially obtrusive direction, outside of the area being lit.

Spill Light. Light emitted by the lighting installation that falls outside the boundaries of the property on which the installation is sited.

Spotlight. A fixture designed to light only a small, well-defined area.

Stray light. The emission of light that falls away from the area where it is needed or wanted. Light trespass.

Task Lighting. Task lighting is used to provide direct light for specific activities without illuminating the entire area.

Ultraviolet light. Electromagnetic radiation with wavelengths from 400 nun to 100 nun, shorter than that of visible light but longer than X-rays.

Uniformity ratio. A ratio of the smoothness of the lighting pattern or the degree of intensity of light or areas to be lighted. Uniformity is the ratio between the lowest and the mean illuminance level in the area to be evaluated (u = Eavg/Emin). The lower the ratio the more uniform the lighting design.

Value measurement, maximum. The measurement of light measured horizontal to the ground and three feet from the ground and directly beneath the light source.

Value measurement, minimum. The measurement of light measured horizontal to the ground and three feet from the ground and midway between light sources. Minimum values are also the measurements taken for inside structure measurements or in areas of generally uniform coverage such as canopies, ballfields, tennis courts, etc.

Veiling luminance. A luminance produced by bright sources in the field-of-view superimposed on the image in the eye reducing contrast and hence visibility.

Visibility. Being perceived by the eye. Seeing effectively. The goal of night lighting.

Wallpack. A luminaire, typically affixed to the side of a structure, used for area lighting.

Watt. The unit used to measure the electrical power consumption of a lamp.

Section ___ Purpose.

This ordinance is intended to establish procedures and standards that which will minimize light pollution glare, light trespass, and conserve energy and maintain the quality of the city's rural aesthetic & "feel" while promoting the best practices as established by the Illuminating Engineering Society of North America (IESNA) and the International Dark Sky Association (IDA). The use of outdoor lighting is often necessary for adequate nighttime safety and utility, but

common lighting practices can also interfere with other legitimate public concerns. Principles among these are:

- a) Degradation of the nighttime visual environment by production of unsightly and dangerous glare; and
- b) Lighting practices that interfere with the health and safety of New Fairview's citizens and visitors; and
- c) Unnecessary waste of energy and resources in the production of too much light or wasted light; and
- d) Interference in the use or enjoyment of property that is not intended to be illuminated at night by light trespass, and the loss of the scenic view of the night sky due to increased urban sky- glow; and
- e) The impact of inappropriately designed outdoor lighting that disrupts nocturnal animal behavior, particularly migrating birds and other species.

Section ___ Applicability

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this division, the building code and the electrical code of the town as applicable and under appropriate permit and inspection. Except as approved otherwise by the City Council, these performance standards shall apply to all zoning districts in the town. This ordinance shall apply to all outdoor lighting including, but not limited to, search, spot or floodlights for:

- a) Buildings and structures;
- b) Recreational use lighting;
- c) Parking lot lighting;
- d) Landscape lighting;
- e) Street and/or right-of-way lighting;
- f) Other outdoor lighting.

Section Outdoor Lighting Plan

a) *Plan Submittal*. An outdoor lighting plan must be submitted separately from any required site plan or landscape plan on all public or private properties, including rights-of-way, public easements, franchises and utility easements. The outdoor lighting plan shall be submitted

prior to issuing a building permit. For nonresidential development the outdoor lighting plan must be approved by the City Council. Except where required elsewhere, for residential developments, an outdoor lighting plan may be approved administratively by the City Manager or their designee(s).

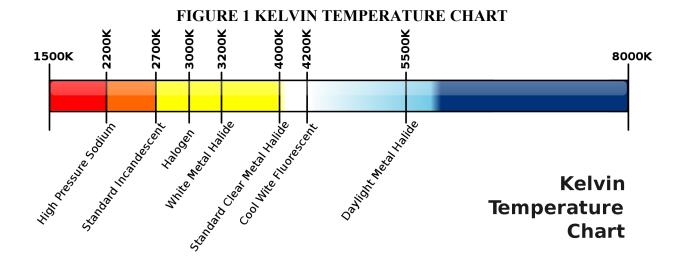
- b) Applications. Plans shall include the following:
 - 1) A site plan of the proposed fixture locations;
 - 2) The luminous area for each proposed light source with photometrics in foot-candle measurement;
 - 3) The average lighting level of the development;
 - 4) The lamp type and height of the light fixture or ofthe light source above grade;
 - 5) The type of illumination;
 - 6) The cut-off angles of each fixtures;
 - 7) The number of lumens and wattage of each fixture;
 - 8) Color correlated temperature of each fixture measured in Kelvins as shown in **Figure** 1;
 - 9) A plan to manage glow and glare on the outside of the structure by lighting produced by interior lights. The plan shall include descriptions of window shading, window tinting, structural screening, and operational arrangement of interior lights.
 - 10) Such other information that the City Manager or their designee(s) may determine is necessary to ensure compliance with this division.
- c) *Plan Approval*. If The City Manager or their designee(s) determines that any proposed lighting does not comply with this division, the permit shall not be issued nor the plan approved. Appeals may be made to the City Council by the following the provisions of Section .
- d) Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the City Manager or their designee(s) for approval, together with adequate information to assure compliance with this division, which must be received prior to substitution.
- e) Certification of Installation. On projects where an engineer or architect is required, the developer shall verify in writing to the City that all outdoor lighting was installed in accordance with the approved plans before the Certificate of Occupancy is issued. Until this certification is submitted, approval for use of a Certificate of Occupancy shall not be issued

for the project.

f) Record Drawings. In addition to the certificate of installation, a record drawing of the outdoor lighting plan, as-built, shall be provided upon completion of a development or project where any outdoor lighting was used by the architect or engineer of record.

Section ___ General Regulations

- a) *Preferred Source*. Due to their high energy, long life, and spectral characteristics, Low-Pressure Sodium (LPS) lamps and Narrow- band amber LEDs (NBALED) are the preferred illumination source throughout the City. Their use is to be encouraged, when not required, for outdoor illumination whenever their use would not be detrimental to the use of the property. In all applications where LPS lighting is required or preferred, an acceptable alternative is narrow-band amber LEDs.
- b) *Height of Fixtures*. Lighting fixtures shall be a maximum of 16 feet in height for street lighting, right-of-ways, parking areas, and nonresidential zoning districts. Lighting fixtures shall be a maximum of 8 feet in height within non-vehicular pedestrian areas. Lighting fixtures within residential districts shall be no more than 12 feet in height and no light fixtures located within 50 feet of any residential district shall exceed 12 feet in height. Lighting fixtures affixed to signalized intersection shall be no more than 20 feet in height.
- c) Light Emitting Diodes (LEDs). All LED lighting shall be dimmable and comport to all provisions of this division, unless specified otherwise. The following are preferred options for LED types in use with outdoor lighting:
 - 1) Narrow-band amber LED (NBALED);
 - 2) Phosphor-converted amber (PCALED);
 - 3) Filter warm-white LED (FLED)
- d) *Lighting Temperature*. All lighting must be less than 3000 Kelvins (K) per the correlated color temperature in **Figure 1**.



e) Lighting Control Requirements.

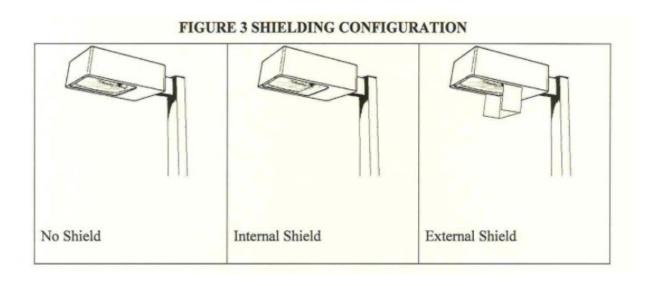
- 1) Automatic Switching Requirements. Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.
- 2) *Motion Sensing*. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instruction, to turn off when detected motion ceases.
- 3) *Dimmable Lighting*. Where possible, all outdoor lighting shall contain a dimmable option that comports with the standards of this division.
- f) Lamp and Shielding. All light fixtures are required to be fully shielded and shall be installed in such a manner that the shielding complies with the definition of fully shielded light fixtures for all uses, including single-family, except as provided in **Table 1**.

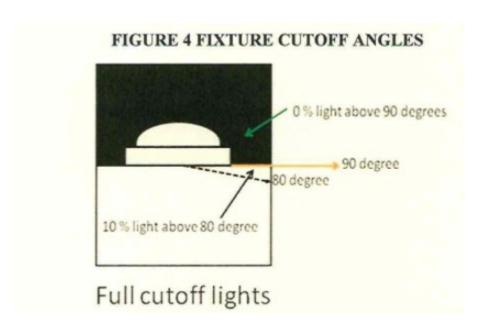
TABLE 1 LAMPING AND SHIELDING

Lamp Type	Shielding		
Low Pressure Sodium (LPS)	Fully shielded, with 80° cut-off		
High Pressure Sodium (HPS)	Fully shielded, with 80° cut-off		
Light Emitting Diode (LED)	Fully shielded, with 80° cut-off		
Metal Halide	Fully shielded, with 80° cut-off		
Halogen	Prohibited		
Mercury Vapor	Prohibited		
Fluorescent	Fully shielded, with 80° cut-off		
Incandescent	Fully shielded, with 80° cut-off		
Any light source 625 lumens and under	Unshielded permitted		
Low intensity Neon, Krypton or Argon discharge tubes	Unshielded permitted		

FIGURE 2 ACCEPTABLE/UNACCEPTABLE LIGHTING FIXTURES Examples of Acceptable / Unacceptable Lighting Fixtures







- g) *Total Outdoor Light Output*. Light emitted from outdoor lighting is to be included in the total outdoor light output. Total outdoor light output shall not exceed 100,000 lumens per net acre for all nonresidential uses. Residential uses are evaluated on a per lot basis. Total outdoor light output shall be calculated as follows:
 - 1) Light fixtures installed as described below shall be included in the total outdoor light output by adding 100 percent of the initial lumen outputs of the lamps used:
 - a. All unshielded or partially shielded fixtures, regardless of location. Light fixtures installed on poles (such as parking lot light fixtures);
 - c. Light fixtures installed on the side of buildings or other structures but not located

as described in paragraphs (2) or (3). below; and

- d. Light fixtures installed within open parking garages, or under canopies, building overhangs, or roof eaves that are not fully shielded or are fully shielded but not located as described in paragraphs (2) or (3) below.
- 2) Fully shielded light fixtures installed as described below shall be included in the total outdoor light output by adding only 25 percent (25%) of the initial lumen outputs of the lamps used:
 - a. Fully shielded light fixtures located within open parking garages, or located under canopies, building overhangs, or roof eaves, where all parts of the light fixture are located at least five feet but less than 10 feet from the nearest outdoor opening, canopy, or overhang edge.
- 3) Fully shielded light fixtures installed as described below shall be included in the total outdoor light output by adding only 10 percent (10%) of the initial lumen outputs of the lamps used:
 - a. Fully shielded light fixtures located within open parking garages, or located under canopies, building overhangs, or roof eaves, where all parts of the light fixture are located 10 feet or more from the nearest outdoor opening, canopy, or overhang edge.

FIGURE 5 FREE STANDING & ATTACHED CANOPY SECTION

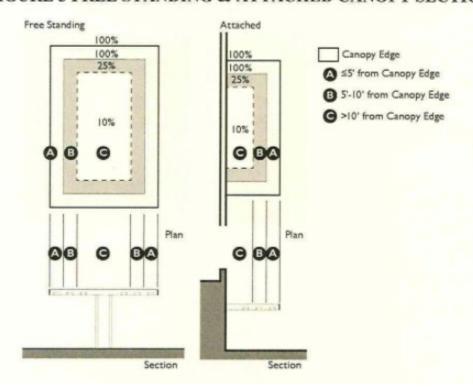


TABLE 2 AVERAGE LIGHTING LEVELS

Type of Lighting / Land Va-	Lighting Levels (footcandles)				
Type of Lighting / Land Use	Minimum	Average	Maximum		
Architectural Lighting	0.0fc	1.0fc	3.0fc		
Canopy Area Lighting	0.5fc	2.0fc	5.0fc		
Entrances and Exits	0.5fc	1.5fc	5.0fc		
Loading and Unloading Areas	1.0fc	2.0fc	5.0fc		
Multifamily Residential	0.5fc	1.5fc	5.0fc		
Nonresidential	0.5fc	1.5fc	10.0fc		
Parking Lots / Vehicle Areas / Streets	0.25fc	1.0fc	5.0fc		
Public Facilities (recreational areas)	2.5fc	5.0fc	10.0fc		
Residential	0.0fc	1.0fc	5.0fc		
Security Lighting	0.20fc	1.0fc	5.0fc		
Walkways, Landscape or Decorative Lighting	0.0fc	1.0fc	3.0fc		

- g) *Time Limits for Outdoor Lighting*. All outdoor lighting shall be turned off at the times listed below. Decorative holiday lights are exempt in accordance with the regulations outlined in this division.
 - 1) Nonresidential. All nonessential lighting shall be turned off no later than thirty (30) minutes after the business closes or after 11:00 p.m., whichever is later, and remain off for the remainder of the night or until the business reopens, leaving only necessary lighting for site security.
 - 2) *Residential*. All nonessential lights exceeding 625 lumens shall be turned off after 11:00 p.m., leaving only necessary lighting for site security.
 - 3) Recreational Facilities. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
- h) Sign Illumination. Standards for external and internal sign illumination are subject to the provisions in Chapter 70 Signs of the code of ordinances. Light used for illumination of signs is included toward the total outdoor light output standards of this division.

Section Illumination

- a) *Illumination*. Unless otherwise provided in this division, illumination, where required by this division, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as from time to time amended and the International Dark-Sky Association (IDA).
- b) *Measurement*. Illumination levels of outdoor lighting shall be measured by a qualified professional according to generally accepted Illuminating Engineering Society of North America methods.
 - 1) *Meter Required*. Lighting levels of outdoor lighting shall be measured in foot-candles with a direct reading portable light meter with a color and cosine corrected sensor with multiple scales. The meter shall read within an accuracy of plus or minus five percent.
 - 2) *Horizontal Method of Measurement*. The meter sensor shall be mounted not more than six inches above ground level in a horizontal position. Readings shall be taken only after the cell has been exposed to provide a constant reading.
- c) Computation of illumination. Illumination at a point may be computed in lieu of measurement. Computation methods shall consist of a generally accepted Illuminating Engineering Society of North America method, using certified photometric data furnished by the fixture manufacturer, lamp manufacturer, photometric laboratory, or other reliable authority satisfactory to the town. Computations shall be based on new, properly seasoned

lamps, diffusers and other appurtenances in place, and with proper regard taken for mounting height, relative elevation, natural and manmade objects.

d) Light Trespass Standard. No use or operation in any district shall be located or conducted so as to produce glare, or either direct or indirect illumination across the bounding property line from a source of illumination into a residentially zoned property, nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. For the purposes of this section, a nuisance shall be defined as more that one-tenth of one footcandles of light measured at the residential property line and twenty-five hundredths of one footcandles at any adjoining nonresidential property line:

TABLE 3 - LIGHTING AT PROPERTY LINES

Zoning of Property	Horizontal Foot-candles (fc)		
Residential districts	0.10fc		
Nonresidential districts	0.25fc		

e) *Lumens*. Brightness of a light fixture shall be measured in lumens. Where applicants may need to measure equivalency of lumens and watts, Table 4 below shall be used. Where a ratio is not listed in the table, the best practices as prescribed by the IESNA shall apply:

TABLE 4 LUMEN-WATT EQUIVALENTS

Liebs Oostoost	Power Consumption (Watts)				
Light Output (Lumens)	Standard Incandescent	Compact Fluorescent	LED		
200 L	25 W	6 W	4 W		
450 L	40 W	9 W	8 W		
800 L	60 W	14 W	13 W		
1,100 L	75 W	19 W	17 W		
1,600 L	100 W	23 W	20 W		
2,000 L	125 W	33 W	22 W		
2,400-2,600 L	150 W	43 W	28 W		

Section ___ Special Uses

- a) Security Lighting.
 - 1) Unless otherwise provided in this division, all building lighting for security will be fully shielded type, not allowing any upward distribution of light. Wallpack type fixtures are acceptable only if they are fully shielded with 80- degree cut-off and shall not project above the fascia or roof line of the building.
 - 2) Security fixtures shall not face residential uses.
 - 3) Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.
- b) Canopy Area Lighting.
 - 1) Shielding. All development that incorporates a canopy type area including, but not limited to, service stations, automated teller machines, awnings, arcades, porte-cochere or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution. Such shielding must be provided by the fixture itself and shielding by surrounding structures such as canopy edges is not permitted. Lighting along the canopy edge, side or roof is not permitted.
 - 2) *Total Under-Canopy Output*. The total light output used under service station canopies, defined as the sum of all under-canopy initial lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy and comply with the average lighting levels of Table 2.

$\frac{\sum Lumens\ under\ Canopy}{Square\ Feet\ of\ Canopy} < 40\ lumens\ per\ square\ foot$

- 3) All lighting mounted under the canopy, including but not limited to light fixtures mounted on or recessed into the lower surface of the canopy and any lighting within signage (but not including any lamps mounted within the pumps and used to illuminate information indicating the total cost of such items as fuel pumped and price per gallon), shall be included in the total outdoor light output for the site and is subject to the standards of this division.
- c) *Entrances and Exits*. All entrances and exits to buildings used for nonresidential purposes and open to the general public, along with all entrances and exits in multifamily residential buildings, shall be lighted to ensure the safety of persons and the security of the building. All lighting shall conform to average lighting levels of **Table 2**.
- d) Parking Lots, Garages and Loading Area Lighting.

- 1) All lighting facilities shall be arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within parking areas and shall distribute not more than one-fifth (0.20fc) of a foot-candle of light upon any adjacent residential property.
- 2) Parking lots and vehicle movement areas shall not exceed a maximum illumination value of five foot-candles (5. 0fc) or a minimum illumination value of one- fourth (0.25fc) foot-candle. Lamps in decorative lantern type fixtures shall not exceed a maximum of 1, 600 lumens. Total pole and fixture height shall not exceed a maximum of 16 feet, measured from grade at the base.
- 3) All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street, alley or other public or private right-of-way.
- 4) All light fixtures used on open parking garages, including those mounted to the ceilings over the parking decks, shall be fully shielded.
- 5) The lumen output of lamps mounted on or within open parking garages shall be included toward the total outdoor light output standards of this division.
- e) Outdoor Recreational Facilities. Any light source permitted by this division may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, driving ranges, outdoor arenas and amphitheaters, show areas, or other field recreation facilities and are subject to the following conditions:
 - 1) *Illumination*. Any illumination level exceeding a maximum of ten foot-candles (10.0fc) must receive prior approval by the Council.
 - 2) *Shielding*. All fixtures used for event lighting shall be fully shielded, or be designed or provided with sharp cut- off capability, so as to minimize up light, spill-light, and glare.
 - 3) *Time Limits*. No illuminated sports facility shall be illuminated after the time limits outlined in this division, except to conclude a scheduled recreational or sporting event in progress prior to the time limitation.

f) Street Lighting.

- 1) Standards for street lighting installed on public rights-of-way must conform to the Town Engineering Standards and the Town's Comprehensive Plan and the standards of this division.
- 2) Street lighting installed on private rights-of-way shall be included within the total outdoor light output for the development.

- 3) Streetlights for both public and private right-of-ways are not exempt from the provisions of this division.
- g) Internally Illuminated Architectural Elements. Any architectural element including walls or portions of buildings that are internally illuminated and that is not a sign or fenestration (e. g. windows or doors) shall have 100 percent of the initial lamp output of all lamps used to provide such illumination counted toward unshielded lighting for the purposes of calculating total outdoor light output for the site and is subject to the standards of this division.
- h) Architectural, Aesthetic and Landscape Lighting. Architectural lighting used to illuminate the wall of a building or landscape lighting used to illuminate trees or other landscape elements is permitted. All building lighting for aesthetics shall be fully shielded type, not allowing any upward distribution of light and must be externally lit from the top and shine downward, except as provided below:
 - 1) Architectural and landscape lighting that is directed downward onto a wall, tree or other landscape feature shall be included in the total outdoor light output standards provided in **Table 2**, based on whether a fully shielded or partially shielded light fixture is used; and
 - 2) Architectural and landscape lighting that is directed upward onto a wall, tree or other landscape feature shall be included in the total outdoor light output standards provided in **Table 2**. Fixtures shall be located, aimed or shielded to minimize light spill into the night sky.
- i) *Emergency Lighting*. Emergency lighting that is only tamed on in the event of a power failure or when an alarm is activated is permitted in all zoning districts and is excluded from the total lumen calculations for the site.
- j) *Neon Building Lighting*. Neon building lighting is included in the total outdoor light output calculations for the site. Any unshielded neon lighting is limited by the unshielded lighting limits of this division.

Section ___ Prohibited Lighting

- a) Laser source light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.
- b) Cobra-head fixtures. Cobra-head-type fixtures having dished or drop lenses are prohibited.
- c) Searchlights. The operation of searchlights for advertising purposes is prohibited.
- d) *Floodlights*. The use of floodlights is prohibited.
- e) *Up lighting*. Up lighting of display, building and aesthetic lighting is prohibited, except where provided otherwise in this division.

- f) Halogen lights. Halogen lights are prohibited.
- g) Mercury vapor lights. Mercury vapor lights are prohibited.
- h) *Flashing lights*. Any lighting device located on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel with intermittent fading, flashing, blinking, rotating or strobe light illumination.

Section ____ Exemptions

The following are exempt from the provisions of this division:

- 1) Emergency Lighting by Emergency Services. All temporary emergency lighting needed by the Westlake Department of Public Safety or other emergency services, as well as all vehicular luminaries.
- 2) *Holiday Decorations*. Seasonal decorative lighting is exempt from the provisions of this division provided that individual lamps are less than 10 watts incandescent or equivalent lumens.
- 3) Solar Powered Lighting. Solar powered lights less than 5 watts incandescent or equivalent lumens per fixture used in residential landscaping application and to illuminate walkways are exempt from applicable lamp type and shielding standards, but must conform the average lighting levels of Table 2.
- 4) *Public Art*. Lighting for public monuments and statuary as recommended by the Westlake Public Art Competition Advisory Committee and approved by the Town Council are exempt from the standards of this division.
- 5) *Construction*. All outdoor lighting used for construction or major renovation structures and facilities are exempt from the provisions of this division unless specified elsewhere in this division or code of ordinances.
- 6) Swimming Pool and Decorative Water Fountain Lighting. Underwater lighting in swimming pools and other water features are exempt from the lamp type and shielding standards.

Section Temporary Exemptions

- (a) Upon approval by the City Manger or their designee(s), temporary exemptions from the requirements of this division shall be for a period not to exceed 10 days.
- (b) Any person may submit a written request, on a form prepared by the town for a temporary

exemption request. The request shall fulfill the same requirements as defined in in the Outdoor Lighting Plan standards of this division.

- c) Requests for renewal or exemptions shall be processed in the same way as the original request. Each renewal shall be valid for not more than 10 days or a time period designated by the City Manager or their designee.
- d) Approval for temporary exemptions will be based on the effect of location and use of outdoor lighting fixtures.
- e) Roadway and/or street lighting, whether public or private, is not eligible for exemption.

Section Non-Comforming

- a) All luminaries lawfully in place prior to the date of the ordinance from which this division is derived shall be considered as having legal nonconforming status. However, any luminary that replaces a legal nonconforming luminary, or any legal nonconforming luminary that is moved, must meet the standards of this division, subject to the following conditions.
 - 1) If a person makes any change or addition to an existing lighting system, the change or addition shall conform to the provisions of this division;
 - 2) If a person makes any change or addition to an existing building which results in an increase in the size of the building by more than twenty percent (20%), the person shall ensure that all existing outdoor lighting shall conform to the provisions of this division.

Section ___ Appeals to City Council

An applicant shall have the right to appeal a decision of the City Manager or their designee(s). All such appeals shall be heard by the City Council. The appeal(s) shall be filed with the City Manager or their designee(s) within twenty (20) days after the date of decision by the City Manager or designee. After the hearing on the appeal for an application, the City Council shall grant or deny the appeal.

Section ____ - ___ Reserved.

SECTION.

That all provisions not hereby amended shall remain in full force and effect.

SECTION_.

That this Ordinance shall be cumulative of all other City Ordinances and

all other provisions of other Ordinances adopted by the City which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

SECTION .

That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of New Fairview, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION .

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION _.

This Ordinance shall be in full force and effect after its passage and publication.

	PASSED	AND APPR	OVED ON TH	IIS DAY OF	·	,
2021.						
				Nolan Schoon	maker, Mayor	
ATTE	ST:					
Monic	a Rodrigue	z, City Secret	ary			