



**City of New Fairview  
Planning & Zoning Commission Special Meeting  
999 Illinois Lane  
Monday, October 24, 2022, at 6:00 pm**

- 1. Call to Order and Determination of Quorum**
- 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.**
- 3. Public Comment:** 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.
- 4. Work Session:**
  - A. Receive a report from staff regarding redrafting Section 31 of the City of New Fairview Zoning Ordinance regarding Outdoor Lighting to bring the ordinance in-line with Dark Sky Initiatives.**
- 5. New Business:** All matters listed in New Business will be discussed and considered separately.
  - A. Receive and consider approval of the minutes for the September 26, 2022, meetings.**
- 6. Adjournment**

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 on its website, said notice being posted this 19<sup>th</sup> day of October, 2022 at 5:00 PM at least 72 hours proceeding the meeting time.

  
Susan Greenwood, Assistant City Secretary

SEAL:



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](mailto:citysecretary@newfairview.org) for further information.



## Planning and Zoning Commission AGENDA MEMO

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Prepared By: John Cabrales Jr, City Administrator

October 24, 2022

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### Dark Sky Ordinance

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#### **DESCRIPTION:**

Receive a report from staff regarding redrafting Section 31 of the City of New Fairview Zoning Ordinance regarding Outdoor Lighting to bring the ordinance in-line with Dark Sky Initiatives.

#### **BACKGROUND INFORMATION:**

Staff met with the Planning and Zoning Commission on September 26, 2022 to discuss amendment of Section 31 of the Zoning Ordinance regarding outdoor lighting. Staff received feedback to further research how the City can get this implemented. In our research and with consultation of the City Attorney, it was found that in 2019, the State Legislature passed a bill (HB 2439) which took away the municipal authority to enforce outdoor lighting ordinances or to approve new ones. The only exception to this rule is that the community has to be certified as a Dark Sky Community with the International Dark Sky Association (IDSA).

In the past two weeks, staff has made the initial outreach to the organization and has begun to make further modifications of the ordinance draft to ensure full compliance with the designation. There are several Texas Communities that have gone through the process. Blanco, Dripping Springs, Horseshoe Bay, Fredericksburg, Lakewood Village, and Wimberley Valley are designated as Dark Sky Communities. There are specific places such as individual state parks which also hold the designation, but as New Fairview is a municipality we are focused on the "community" designation. As per the information provided by the IDSA, the application, review, and approval process usually takes one to three years from initial inquiry to the formal designation. Staff has made a request of inquiry to the IDSA to receive instructions on how to specifically begin the application process.

- The first phase of the application process is the Applicant reviews eligibility with IDA staff; notifies IDA of intent to pursue the International Dark Sky Community application. This initial step takes approximately forty-five days.

- The second step is the formal application. Staff works with the organization's staff, to formalize the full application and actively works on the fine details that the application meets the standards of the organization. This process takes one to three years. The application contains proposed ordinances, an education program for the residents and future development, dark sky events within the community and other details.
- The final step is the formal submittal of the complete application to the organization. There are two committees that have to review the application. This process takes ninety to one hundred fifty days.

At the September 26<sup>th</sup> meeting, the Planning and Zoning Commission asked to modify the draft ordinance:

- To include a provision for amortization (time period in which properties must be in compliance with the ordinance) to end within no more than 10 years from the date of approval of the ordinance.
- Secondly, at Commission direction, additional language has been included to regulate lighting of signage to be in compliance with the recommendations of the IDSA.
- Last, a curfew section on outdoor lighting has been added to the ordinance.

**FINANCIAL CONSIDERATION:**

None

**RECOMMENDED MOTIONS FOR PLANNING AND ZONING COMMISSION:**

No action required.

**ATTACHMENT(S):**

1. Revised Draft Outdoor Lighting Ordinance Section 31.

**DRAFT REPLACING  
SECTION 31 of the  
ZONING ORDINANCE  
October 24, 2022 Revision  
SECTION 31  
OUTDOOR LIGHTING**

**§ 31.1 Definitions.**

For the purposes of this article, terms used shall be defined as follows:

Area lighting. Light fixtures located on public or private property that are designed to light spaces including but not limited to parks, parking lots, and sales lots.

Axis of illumination. The midline of the beam emitted by a light fixture.

Candela (cd). A unit of measurement of luminous intensity equal to one lumen of light emitted over one steradian of solid angle, and approximately equal to one candlepower.

Candlepower. The luminous intensity of a light source measured in candelas.

Correlated color temperature. The absolute temperature, in Kelvins (K), of a blackbody whose chromaticity most nearly resembles that of the light source. CCT characterizes the color content, or spectrum (“warmness” or “coolness”), of a light source. Lamps with a CCT of less than 3200 K are pinkish and considered “warm.” Lamps with a CCT greater than 4000 K are bluish–white and considered “cool.”

Existing light fixtures. Those outdoor light fixtures already installed on the date this article is effective.

Floodlight. A light fixture having a wide beam.

Full cutoff. A shielded light fixture that emits no light at or above horizontal (90 degree above nadir).

Footcandle. The illuminance produced on a surface one foot from a uniform point source of one candela and equal to one lumen per square foot.

Fully shielded. A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane passing through the lowest part of a fixture. A fully shielded fixture is not necessarily full cutoff.

Glare. Light produced by sources in the field-of-view that is brighter than the brightness to which the eyes are adapted, causing reduced visibility by lowering contrast.

IESNA. The Illuminating Engineering Society of North America, a recognized authority on lighting best practices and standards.

Illuminance. The density of luminous flux incident on a surface measured in lux or footcandles.

Initial lumens. The number of lumens of light emitted by a light source according to as-manufactured specifications and not accounting for any diminution of light due to age or maintenance condition.

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

Light pollution. Any adverse effect of artificial light. An example of light pollution is sky glow caused by scattered light from unshielded or poorly aimed light fixtures.

Light trespass. Unwanted light falling on public or private property from any location external to that property.

Lumen. A unit of luminous flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. For the purposes of this regulation, the lumen output values shall be the initial lumens of a lamp. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.

Luminaire. A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Nadir. The direction indicated by a line connecting any point on the surface of the Earth and the center of the Earth.

Outdoor lighting. Nighttime illumination of an outside area or object by any manmade device that is located outdoors and produces light.

Private lighting. Outdoor light fixtures located on property owned or controlled by individual persons, including but not limited to families, partnerships, corporations, and other entities engaged in the conduct of business or other nongovernmental activities.

Public lighting. Outdoor light fixtures located on property owned, leased, or controlled by the city or other governmental entity or entities, including but not limited to streets, highways, alleys, easements, parking lots, parks, playing fields, schools, institutions of higher learning, and meeting places, and all entities completely or partly funded by grants obtained by the city or its agents from federal, state or private sources.

Sag-lens or drop-lens. Any clear or prismatic refracting lens that extends below the lowest opaque portion of a light fixture.

Searchlight. Any light fixture having a narrow beam intended to be seen in the sky by an observer on the ground. Spotlight means a light fixture having a narrow beam.

Spotlight. A strong beam of light that can be directed to illuminate a small area.

Temporary outdoor lighting. Lighting for a specific unique purpose of an outside area or object by any manmade device that produces light for a period of less than 5 consecutive days.

Trespass lighting. Light emitted by a luminaire which falls outside the boundaries of the property on which the luminaire is sited.

Uplighting. The most commonly used technique to illuminate structures or parts of structures, trees, walls, waterfalls, fountains, and other outdoor objects. Light fixtures are ground-mounted and directed upwards, away from the viewer to prevent glare. Normally these fixtures are easily adjustable.

Wallpack. A type of floodlight mounted on the wall of a building or other structure.

**§ 31.2. Non Conforming Existing light fixtures.**

- (a) All existing outdoor lighting that was legally installed before the enactment of this section, that does not conform with the standards specified imposed by this section shall be considered nonconforming. Nonconforming outdoor lighting is allowed to remain until required to be replaced pursuant to the terms of this section.
- (b) If more than 50 percent of the total appraised value of a structure (as determined from the records of the county's appraisal district), has been destroyed, the nonconforming status expires and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this section.
- (c) Nonconforming outdoor lighting shall be brought into conformance with this section0 as follows:
  - 1. Nonresidential application . All existing outdoor lighting located on a subject property that is part of an application for a rezoning application, specific use permit, subdivision approval, or a building permit for a major addition is required to be brought into conformance with this section 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 plan, sign permit for an externally or internally illuminated outdoor sign, and on-site sewage facility permit.
  - 2. 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.
  - 3. Abandonment of nonconforming . A nonconforming structure shall be deemed abandoned if the structure remains vacant for a continuous period of six months. In that instance, the nonconforming status expires and the structure'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) Outdoor lighting on property used for commercial purposes that is not in conformance with this section shall be brought into conformance with this section within ten years from the date of adoption of this article. Nothing in this section may be construed to allow light trespass or any other form of nuisance from outdoor lighting. A new purchaser of property may request a three-year extension to come into compliance if property is purchased within ten years of the enactment of this section.

**§ 31.3. General outdoor lighting restrictions.**

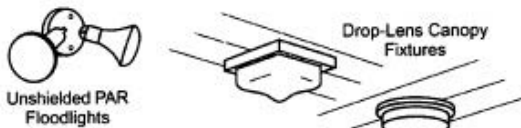
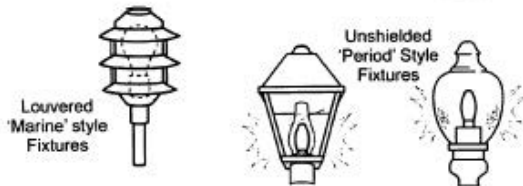
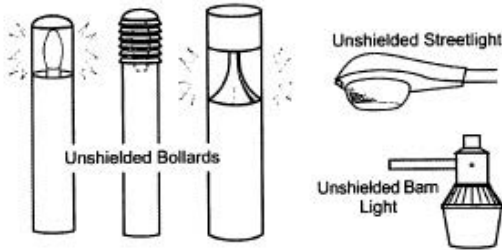
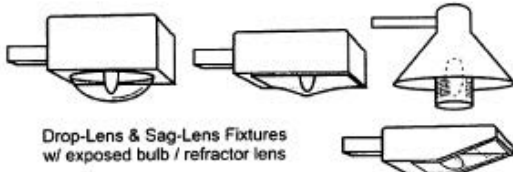
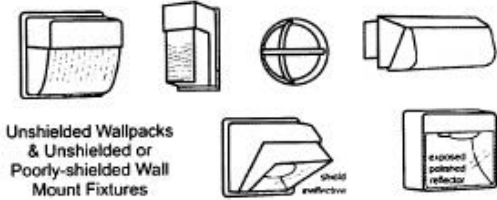
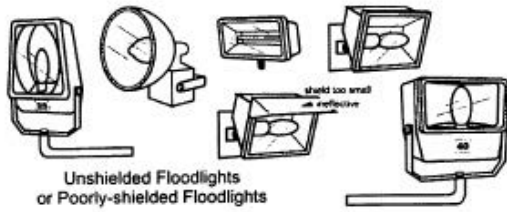
- (a) This section applies to all new private lighting installed after the date of adoption of this section, including replacements for existing fixtures.
- (b) Lighting at public and private outdoor sports facilities, including but not

limited to playing fields, arenas, tracks, and swimming pools, shall be shielded such that no light-emitting part of fixtures is visible from any other property; shall provide levels of illuminance consistent with the IESNA "Recommended Practice for Sports and Recreational Area Lighting," (IESNA RP-6-01) or current successor recommendations; and shall not exceed a correlated color temperature of 4000 K. Sports lighting shall furthermore cease upon conclusion of scheduled events or 11:00 p.m. (whichever occurs first) except by special use permit issued by the city. Installations of such lighting shall make use of timers to ensure that light is extinguished by the curfew hour or conclusion of scheduled events and may not inadvertently be caused to continue operating thereafter.

- (c) Strobe lights on communication towers and other hazards to aerial navigation, that are required by the Federal Aviation Administration (FAA) during daytime hours and are permitted but not required to be operational at night, may not be used at night. Other lights used at night on such structures shall not be brighter than the minimum required by the FAA.
- (d) All other outdoor lighting fixtures using lamps or bulbs having outputs greater than 1,800 initial lumens must be full cutoff fixtures.
- (e) Sag-lens or drop lens fixtures are prohibited.
- (f) In the interest of conserving energy and protecting the environment, mercury vapor fixtures are prohibited.
- (g) Each flag to be lighted shall be lighted by one spotlight not exceeding 1,800 lumens and a correlated color temperature of 3200 K.
- (h) The aggregate total outdoor lighting on any property in residential zones shall not exceed 10,000 lumens per acre.
- (i) The aggregate total of outdoor lighting on any property in commercial zones shall not exceed 25,000 lumens per acre, unless approved by the city. (see section 31.7).
- (j) The following graphic illustrates the types of lighting instruments acceptable and the ones which are either non-conforming or unacceptable for residential and non-residential use.

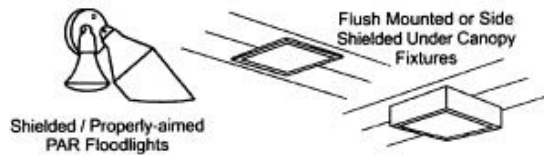
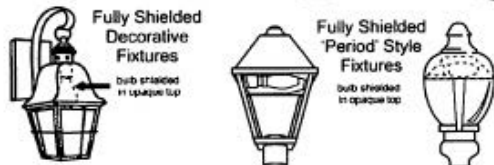
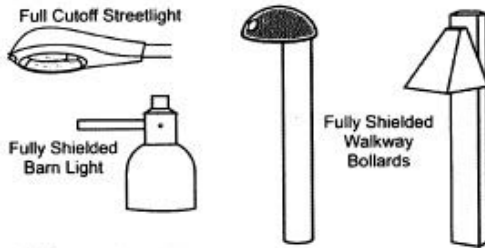
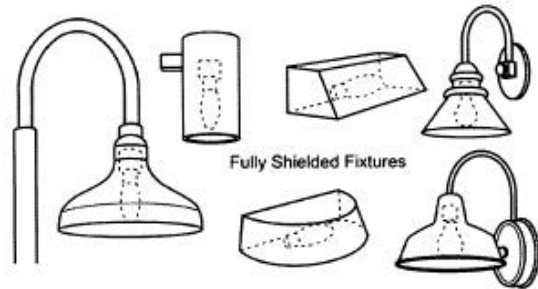
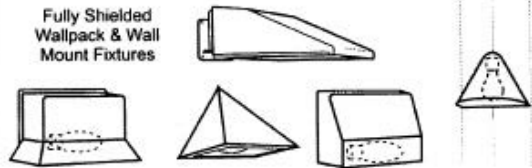
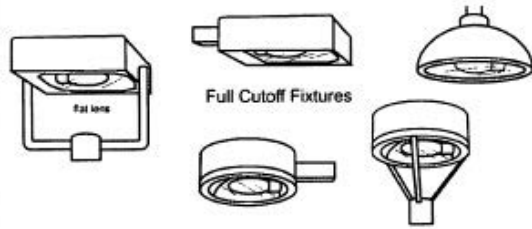
### Unacceptable / Do Not Use

Fixtures that produce glare and light trespass



### Usually Acceptable / May Need Shielding

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



### § 31.4. Residential outdoor lighting restrictions.

The following restrictions are applicable to all private lighting within residential areas within the city limits:

- (a) No exterior lighting on a lot shall be directed outside the boundaries of such lot or produce a glare visible from outside the boundaries of such lot except as otherwise.
- (b) Garage bay lighting shall not exceed 1,800 initial lamp lumens per fixture and a correlated color temperature of 3200 K.



- (c) Mercury vapor lamps are prohibited.
- (d) Architectural or landscape uplighting is prohibited unless approved by the city (see section 31.7).
- (e) All exterior lighting shall be shielded so that no light source is visible from any neighboring property.

**§ 31.5. Municipal outdoor lighting restrictions.**

- (a) It shall be the policy of the city to not provide street lighting along public rights-of-way unless specific and dire public safety considerations indicate otherwise.
- (b) All streetlights shall be full cutoff fixtures using lamps with a correlated color temperature not exceeding 3200 K, or of approved historical design, utilizing illumination levels specified in the IESNA “American National Standard Practice for Roadway Lighting” (IESNA RP-08-00) or current successor recommendations.







**§ 31.6. Levels of illuminance required or permitted at specific facilities.**

- (a) Maximum, average, and/or minimum levels of illuminance for different facilities are listed below in horizontal footcandles. Unless otherwise specified, minimum levels shall be the lowest consistent with safety. Lighting requirements are as follows:
  - (1) Parking lots and parking areas: average 2.0 fc; minimum 0.5 fc.
  - (2) Points of structure entry/exit: maximum 5.0 fc.
  - (3) Service stations and other fueling facilities: maximum 10.0 fc in the area surrounding pump islands; parking areas and entry areas shall be lighted as required above; drop lens fixtures are prohibited, whether mounted under canopies or on poles. Canopy lighting shall be installed so as to be recessed into the canopy. Neither canopy nor overhead lighting shall trespass onto any other property.
  - (4) Sales lots where merchandise, including automobiles, are displayed at night: maximum 20.0 fc. Area lighting used to illuminate sales lots may not trespass onto any other property.
- (b) For locations and facilities not specified herein, the city shall set acceptable levels of illuminance upon request based on guidelines established by IESNA.
- (c) The use of searchlights and spotlights is prohibited for advertising, attracting attention to any event, and for any other use except for emergency purposes.

**§ 31.7. Lighting for outdoor signs and backgrounds.**

- (a) Outdoor internally illuminated signs (whether freestanding or building mounted) shall be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols. The internally illuminated portion of the sign cannot be a light toned color such as white, cream, off-white, light tan, or light yellow unless it is part

of a logo. Light toned colors such as white, cream, off-white, light tan, or light yellow are permitted in the logo only, provided that such colors in the logo shall represent not more than 33 percent of the total sign area permitted. Lamps used for internal illumination or backlighting of lettering shall not be included in the total outdoor light output calculation.

Light Background <input type="checkbox"/>	Colored Background <input checked="" type="checkbox"/>	Opaque Background <input checked="" type="checkbox"/>
		
		

- (b) Outdoor internally illuminated panels (such as illuminated canopy margins or building faces), shall be included in the total outdoor light output calculation.
- (c) Outdoor externally illuminated signs shall conform to all provisions of this article and the sign ordinance, division 4 of the City's Code of Ordinances.

**§ 31.8. Large outdoor lighting projects.**

- (a) An outdoor lighting project reasonably expected to utilize more than 25,000 lumens per acre in the aggregate shall file a lighting plan with the city. A lighting plan shall be filed at the same time as any other plans required by the city and shall specify the following:
  - (1) Number and type of light fixtures to be used;
  - (2) Their output in lumens; and
  - (3) Photometric data from the manufacturer(s) showing the spatial distribution of the output of the proposed fixtures.
- (b) The city shall review the lighting plan taking into account factors including but not limited to levels of luminance, glare, safety hazards, light trespass, and light pollution.. The applicant shall not undertake the outdoor lighting project until the lighting plan is approved. The decision of the city may be appealed to the city council.

**§ 31.9. Lighting Curfews.**

- (a) Nonresidential outdoor lighting intended to be left on more than 30 minutes after closing, or the completion of activities, must be reduced to 25% or less of the total outdoor light output allowed. Any method that results in a total outdoor light output of no

more than 25% of the total outdoor light output is allowed.

- (b) Illumination for all advertising signs, both externally and internally illuminated, shall be turned off by the later of closing time or 10:00 p.m., provided, however, that such signs may be turned back on prior to sunrise, but no more than one hour prior to opening.
- (c) Street lighting, other than at the intersection of roadways, shall utilize half night photocells or timers to turn off the lights halfway between dusk and dawn. Passive reflective roadway markings are encouraged.
- (d) Outdoor recreational facilities must follow the curfew as defined in Section 31.3 outdoor recreational facilities.
- (e) All outdoor lighting is encouraged to be turned off when no one is present to use the light.

**§ 31.10. Exceptions; amendments.**

- (a) This article shall not apply to the following:
  - (1) Decorative holiday lighting from the Friday following Thanksgiving through January 8 of the following year.
  - (2) Lighting required by local, state or federal law to be installed on surface vehicles and aircraft;
  - (3) Airport lighting required by law;
  - (4) Temporary emergency lighting;
  - (5) Temporary outdoor lighting;
  - (6) Governmental facilities where compelling needs for safety and security are demonstrated; and
  - (7) Lighting for walkways, flower bed borders, etc., provided that such lighting does not exceed 100 initial lumens per fixture and a correlated color temperature of 3200 K. Lighting for trees provided such lighting does not exceed 600 initial lumens per fixture and a correlated color temperature of 3200 K. All other uplighting provided such lighting does not exceed 400 initial lumens per fixture and a correlated color temperature of 3200 K. Limits in section 31.3(h)–(i) still apply.
- (b) This Section may be amended from time to time as local conditions change, and as changes occur in the recommendations of nationally recognized organizations such as the Illuminating Engineering Society of North America and the International Dark-Sky Association.
- (c) Nothing in this Section shall be construed as limiting the right of any person or entity to pursue legal action against any other person or entity under any applicable law, including the doctrine of light trespass as a form of private nuisance.
- (d) The city council shall have the power to grant variances in the application of the provisions of this article and to hear and adjudicate appeals from architectural

control committees and city decisions.

**§ 31.11. Outdoor Lighting Plan.**

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 for approval by the Administrative Official. An Outdoor Lighting Plan shall be submitted prior to issuing a building permit. Plans shall include the following:

- (a) A layout of the proposed fixture locations.
- (b) The light source, including the specifics of the light emission and color.
- (c) The luminous area for each proposed light source with proposed footcandle measurements.
- (d) The type and height of the light fixture or light source above grade showing appropriate shielding and cut-off appendages.
- (e) The type of illumination.

**§ 31.12. Enforcement.**

- (a) Enforcement. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance.
- (b) Criminal prosecution. Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00), except as may be otherwise expressly provided by state law. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.
- (c) Civil remedies. Nothing in this Section shall be construed as preempting or waiving the rights of third parties from instituting any action for remedies against site operators or permittees. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:
  - (1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this Section;
  - (2) A civil penalty up to one thousand dollars (\$1,000.00) for each day a violation occurs, when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary

for compliance with this Section; and other available relief.



**City of New Fairview  
Planning & Zoning Commission  
Regular Meeting  
999 Illinois Lane  
Monday, September 26, 2022, at 6:30 pm**

**STATE OF TEXAS  
COUNTY OF WISE  
CITY OF NEW FAIRVIEW**

**THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 8th DAY OF AUGUST IN THE NEW FAIRVIEW CITY HALL AND NOTICE OF SAID MEETING GIVING THE TIME PLACE AND SUBJECT THEREFORE HAVING BEEN POSTED AS PRESCRIBED BY ARTICLE 5 OF THE TEXAS GOVERNMENT CODE WITH THE FOLLOWING**

**MEMBERS PRESENT:**

**PLANNING & ZONING COMMISSIONERS**

**Commissioner Rebecca McPherson  
Commissioner Julie Burger  
Commissioner Denis Sansoucie**

**ABSENT:**

**David Randolph  
Marissa Randolph**

**CITY STAFF**

**John Cabrales Jr, City Administrator  
Susan Greenwood, Court Administrator/Assistant City Secretary  
Steven Cook, City Planner**

- 1. Call to Order and Determination of Quorum (Meeting called to order by Commissioner Rebecca McPherson at 6:37 PM; Roll Call with the above-mentioned names.)**
- 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.
- 3. Public Comment:** 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.

#### 4. Work Session:

- A. Receive a report from staff regarding redrafting Section 31 of the City of New Fairview Zoning Ordinance regarding Outdoor Lighting to bring the ordinance in-line with Dark Sky Initiatives. **Commissioners received a presentation from the City Planner Stephen Cook about the Dark Skies Initiatives. Stephen Cook discussed how light pollution affects the environment, the negative impact on human health, Astronomy, and wildlife. He also discussed the draft of the ordinance and the definitions. He stated that the city would not go back and request existing light fixtures to be changed. Commissioner McPherson stated that P & Z were looking to replace all existing lights under the new ordinance, and she would like restrictions on commercial signs and lighting. City Planner Stephen Cook explained that would need to be addressed under the sign ordinance. City Administrator, John Cabrales Jr. explained that this is not an action item and there is no voting. Commissioner McPherson stated we are at a critical time to get the Dark Skies completed and that she has been working on this for over four years.**

#### 5. New Business: All matters listed in New Business will be discussed and considered separately.

- A. Consider recommending approval of a preliminary plat for Settlers Glen, 157.222 acres in the Smith County School Land Survey Abstract No. 744 generally located in the 1400 Block of Illinois Street (FM 407), north of the highway. **City Planner Stephen Cook discussed how the preliminary plat was reviewed. Commissioner Denis Sansoucie asked what the circles on the presentation represented. City Administrator John Cabrales Jr. explained that they were wells. John Pitstick, the developer for Settlers Glen, spoke about the Dark Skies. Commissioner McPherson asked if the developer would adhere to the Dark Skies. The Developer explained that the Developers Agreement was signed back in January and that materials could be hard to access but he would try to adhere to the ordinance. John Cabrales Jr., the City Administrator, spoke about the meaning of vesting. He explained that it means that the Developers Agreement has been signed and can't be changed. He said moving forward, the Dark Skies can be implemented. Chi Gunner, the project manager with TNP, showed where the roads will be to access the gas wells. Commissioner Burger asked if all lots were ½ acre lots and if so, how many. John Cabrales Jr., the City Administrator explained that they were 171 ½ acre lots, that the Commissioners were voting on how they were going to fit or to be laid out, and that there would be a final plat that would need approval. Commissioner McPherson asked about sidewalks, but there were not going to be any sidewalks, and she was concerned with people just randomly walking the streets. The City Administrator stated that this is something that they can look into in future developments. Commissioner Burger did not want to vote to approve the preliminary plat. The City Planner, Stephen Cook, explained that she is compelled to approve the plat, unless she can cite a specific condition in which the plat was not in conformance with the provisions of the City's Zoning or Subdivision Regulations.**  
**Motion: Commissioner Denis Sansoucie**  
**Second: Commissioner Rebecca McPherson**  
**Vote: All in favor**

**Result: Preliminary plat for Setters Glen, 157.222 acres in the Smith County School Land Survey Abstract No. 744 generally located in the 1400 Block of Illinois Street (FM 407), north of the highway was approved.**

B. Receive and consider approval of the minutes for the August 8 and August 29, 2022, meetings.

**Motion: Commissioner Denis Sansoucie**

**Second: Commissioner Rebecca McPherson**

**Vote: All in favor**

**Result: Motion to approve the August 8<sup>th</sup> minutes and August 29<sup>th</sup> minutes.**

**6. Adjournment**

**Motion: Commissioner Denis Sansoucie**

**Second: Commissioner Julie Burger**

**Vote: All in Favor**

**Result: Planning and Zoning adjourned the meeting at 7:43 pm.**

**MINUTES APPROVED ON THIS 24th DAY OF OCTOBER 2022**

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Rebecca McPherson, Commissioner

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Susan Greenwood, Assistant 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](mailto:citysecretary@newfairview.org) for further information.