

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN AND ADOPTING OUTDOOR LIGHTING REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

WHEREAS, the Fort Hood Joint Land Use Study recommends that the City adopt dark-sky compatible outdoor lighting regulations for all zoning districts; and

WHEREAS, the City Council finds that outdoor lighting regulations serve the public interest;

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

SECTION I. That Chapter 31, Article VI, Division 21, Sec. 31-443(d) and Chapter 31, Article IV, Division 22, Sec. 31-452(d) are deleted in their entirety and Chapter 31, Article V, Division 11 of the City of Killeen Code of Ordinances is hereby added to read as follows:

Chapter 31 - ZONING

ARTICLE V. – SUPPLEMENTAL REGULATIONS

DIVISION 11. – OUTDOOR LIGHTING

Sec. 31-900. - Purpose.

The purpose of this division is to regulate outdoor lighting and comply with the Fort Hood Joint Land Use Study recommendations to adopt dark-sky compatible lighting regulations.

Sec. 31-901. - Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section:

Light trespass shall mean unwanted light shining on adjacent property or public rights-of-way, having a negative impact on the enjoyment and value of the affected adjacent property.

Uplighting shall mean the practice of installing, maintaining or operating exterior lighting in such a way that the lighting fixtures direct the illumination upward.

Sec. 31-902. - Review Required.

A site plan review and approval by the Building Inspections division is required to install or use new or altered exterior lighting fixtures in all zoning districts. Proposed light fixtures adjacent to

the Right-of-Way or a public street shall also be approved by the Executive Director of Public Works or designee. The site plan shall fully comply with the Standards of this division and shall specify the location, height and type of all exterior lighting.

Sec. 31-903. - Standards.

(a) The height of exterior lighting, except streetlights in public rights-of-way, shall not exceed twenty (20) feet.

(b) Light trespass is declared to be unlawful. All exterior lighting shall be shielded or oriented in a manner that ensures that all illumination is contained on the source property. All exterior lighting shall be directed away from adjoining streets and residential properties in such a manner that the light emission shall not cause light trespass observable from adjoining streets and other properties.

(c) Exterior lighting situated in such a manner as to be mistaken for traffic signals or presenting any hazard to safe driving is prohibited.

(d) Up-lighting is prohibited, except:

(1) Up-lighting may be installed adjacent to flagpoles to illuminate a flag if the lighting is installed and directed in such a manner that the illumination is targeted directly at the flag and does not otherwise cause a light trespass or a driving hazard.

(2) Up-lighting of sculptures, structures and landscape features for ornamental purposes that enhance the character of the area provided that the light is aimed only at intended targets and does not create light trespass or a hazard to safe driving.

(e) Canopy lighting shall be fully shielded or recessed so that the lenses of the lights are, at a minimum, flush with the bottom surface of the canopy.

Sec. 31-904. - Exceptions.

(a) This division shall not apply to the following types of lighting provided that they shall not create light trespass or hazard to safe driving conditions:

(1) Outdoor lighting fixtures, including ornamental and landscape lighting, with a maximum output of 300 lumens per fixture (equals approximately one 30 watt incandescent light).

(2) Lighting used by governmental or public safety personnel in the performance of their official duties;

(3) Holiday, traditional or seasonal lighting are exempt from the requirements;

(4) Approved public streetlights; and

(5) Lighting for special activities or construction projects where the lighting need is temporary and does not exceed the project duration.

(b) All outdoor lighting lawfully installed on or before the effective date of these regulations are considered legally nonconforming and can continue to be used. Changing existing outdoor lighting fixtures shall require compliance with these regulations.

SECTION II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or

impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 13th day of August, 2019, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED

Jose L. Segarra, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lucy C. Aldrich, CITY SECRETARY

Kathryn H. Davis, CITY ATTORNEY