



RULE INTERPRETATION DETERMINATION

Determination #: RID 2017-004

Title: Illumination of Uses

Drafted by: DSD Policy Administration and the Code Enforcement Section

Rule in Question: 35-392 (a) (1) Illumination of use.

Department Action: Clarification on the intent of the code pertaining to the wording of the violation and enforcement of illumination.

Michael Shannon, PE, CBO
Development Services Director

8-1-17
Date

Effective Date of Determination: *Immediately*

Please note RIDs often result in direct or related UDC amendments to codify the clarification addressed within the RID. RIDs can also be superseded by subsequent RIDs or UDC amendments. The Development Services Department will remove RIDs from the website when they are no longer valid.

Staff Analysis: Staff's position on "Illumination" pertaining to exterior lights is an important issue to provide residents of the City of San Antonio with fair, but enforceable guidelines to maintain a safe and harmonious residential existence.

Currently, the UDC contains a provision, Sec. 35-392. - Illumination of Uses, which states:

- (a) *Lighting facilities used to light signs, parking areas, or for other purposes, including high-intensity residential lighting and light from residentially used properties, shall be so arranged that the source of light is concealed from adjacent residential properties and does not interfere with traffic.*

1. *All lighting fixtures installed on any residential property and which include or exceed zero (0) foot-candles, measured at the property line, shall be fitted to render them full cutoff (no light output emitted above ninety (90) degrees at any lateral angle around the fixture).*

The intent of this RID is to provide clarification for customers and staff on the interpretation of Chapter 35 of the City Code of San Antonio, the Unified Development Code (UDC), as it relates to the enforcement of illumination pertaining to exterior lights. This RID will not impose any new or additional requirements, but rather to provide clarification on existing requirements to ensure uniformity.

Staff Position and Interpretation: Staff's findings are listed below and followed with an interpretation:

Sec. 35-392. - Illumination of Uses.

- (a) *Lighting facilities used to light signs, parking areas, or for other purposes, including high-intensity residential lighting and light from residentially used properties, shall be so arranged that the source of light is concealed from adjacent residential properties and does not interfere with traffic.*

1. *All lighting fixtures installed on any residential property and which include or exceed zero (0) foot-candles, measured at the property line, shall be fitted to render them full cutoff (no light output emitted above ninety (90) degrees at any lateral angle around the fixture).*

Currently as the code provision above is written, the enforcement of the code is met with the simple question of: *Is the lighting interfering with traffic?* It is well known that wording of an ordinance can at times be misinterpreted or made difficult to enforce. In this case the word (and) highlighted above in the ordinance can be interpreted by a legal standpoint as both situations, 1) lights not being concealed from the adjacent residential property and 2) interfering with traffic, need to be present in order to enforce the code. This would be an incorrect interpretation of the code.

The intent of the code is clearly to prevent both separate violations from occurring. A residential neighbor should not have to get used to bright lights coming into their living room just because the light don't interfere with traffic and thus not in violation because of the wording of the code. Note that this section was updated in 2015 with the distinct purpose of ensuring residential properties would be protected from bright lights pointed at their property from neighboring properties.

Future UDC Amendments:

In order to properly enforce the code it is recommended that the word (and) be replaced as shown below to clarify the intended purpose of the 2015 UDC revision - that if either violation exist (lights not being concealed from the adjacent property or interfering with traffic) they can both be enforced by notice, civil and municipal court action if required.

Sec. 35-392. - Illumination of Uses.

(a) Lighting facilities used to light signs, parking areas, or for other purposes, including high-intensity residential lighting and light from residentially used properties, shall be so arranged that the source of light is concealed from adjacent residential properties. It shall also be arranged so that it does not interfere with traffic.

1. All lighting fixtures installed on any residential property and which include or exceed zero (0) foot-candles, measured at the property line, shall be fitted to render them full cutoff (no light output emitted above ninety (90) degrees at any lateral angle around the fixture).