

29.00**ARTICLE XXIX****EXTERIOR LIGHTING REGULATIONS****29.10 DECLARATION OF POLICY AND INTENT:**

The Whitewater Township Board of Trustees finds and declares that the naturally lit night sky is an important aspect of our environment and a resource which contributes significantly to our quality of life by contributing to the public peace and to the health, safety and welfare of the residents of Whitewater Township and to its visitors, that to preserve and protect this resource it is necessary, essential, a public purpose and municipal affair for the Township to regulate the use of outdoor light fixtures to minimize light pollution which has a detrimental effect on the environment, astronomical research, amateur astronomy, and general enjoyment of the night sky, and causes unnecessary and/or unwanted illumination of adjacent and even distant properties; that it is in the public interest to conserve electrical energy; and that is in the public interest to protect vehicular and pedestrian traffic from dangerous glare and light pollution in the night sky.

29.11 DEFINITIONS:

(1) Automatic Timing Device: a device which automatically turns on and off outdoor light fixtures or circuits. Photo-electric controls and motion detectors are not considered automatic timing devices for the purposes of this Article.

(2) Light Pollution: artificial light which causes a detrimental effect on the environment, astronomical observation, enjoyment of the naturally illuminated night sky or causes undesirable glare or unnecessary and/or unwanted illumination of adjacent or even distant properties.

(3) Outdoor Light Fixture: an illuminating device which is permanently installed outdoors, including, but not limited to, devices used to illuminate signs.

(4) Cut-off Shielding: a technique or method of construction which causes light emitted from an outdoor light fixture to be projected only below and imaginary horizontal plane passing through the fixture below the light source.

(5) Shielding: in general, a permanently installed, non-translucent shade, cowl, hood, baffle or other construction which limits, restricts or directs light or the visibility of a light source to meet the standards of this Article.

(6) Security Lighting: such lighting fixtures and/or practices intended to discourage intrusion on the premises by unwanted persons.

(7) Yard Lighting: such lighting fixtures and/or practices intended for the convenience, enjoyment and safety of a property owner or tenant or guest.

(8) Light Source: the bulb which creates the light.

(9) Motion Detector: a device triggered by motion and used to energize incandescent lights.

29.12 STANDARDS:**A. Commercial and Industrial Zones and Land Uses:**

All outdoor light fixtures and lighting practices shall conform with either standard No. 1 or No. 2 and with all of the remaining standards in this subsection:

(1) All outdoor light fixtures shall have full cut-off shielding such that no light is emitted above an imaginary horizontal plane passing through the fixture below the light source regardless of type or wattage, EXCEPT for gas lighting, glass tubes filled with Neon, Argon or Krypton, and small decorative fixtures such as porch lights.

(2) Baffles or shields shall be required as needed so that light sources are not visible beyond the property on which they are installed, so that direct light rays are not directed above a horizontal plane passing through the fixture, and also so that vehicular and pedestrian traffic are protected from unnecessary and dangerous glare and from the intense light of directly visible light sources.

(3) Exterior lighting should be designed and installed to conserve electrical energy by:

a. using fixtures with good optical control to distribute light in the most effective and efficient manner.

b. using the minimum amount of light to meet the lighting criteria for safety and visibility.

c. using low pressure sodium outdoor light fixtures where required and wherever else feasible.

d. energizing light fixtures only when necessary by means of automatic timing devices and through the use of motion detection devices on security lighting.

e. requiring that certain outdoor light fixtures be turned off between 11:00 p.m. and sunrise.

(4) Sodium light sources shall be used for street lighting, parking lot lighting, and for security lighting when such security lighting is not to be energized by motion detection devices. Where feasible, low-pressure sodium lighting is to be encouraged.

(5) All outdoor recreational facilities, including but not limited to tennis courts, baseball, football and softball fields, ski runs and trails, golf courses and driving ranges, shall be illuminated with fixtures equipped with full cut-off shielding as needed to direct and restrict light to the playing surface and playing air space as well as the immediate surrounding area and to eliminate glare in the night sky insofar as possible as well as unnecessarily reflected light in the immediate vicinity or on adjacent property.

(6) Floodlights shall be directed downward, shielded as necessary so that the light source is not visible from roads or adjacent property, and located and directed so that light is neither unnecessarily reflected onto adjacent property or into the night sky.

(7) In addition to fixture design and shielding, architectural and landscape design features may be incorporated into an outdoor lighting plan to meet the requirements and comply with the intent of this Article.

B. Residential and Recreational Zones and Land Uses:

All outdoor light fixtures and lighting practices shall conform with the following standards:

(1) All outdoor fixtures shall have full cut-off shielding such that no light is emitted above an imaginary horizontal plane passing through the fixture below the light source regardless of type or wattage, EXCEPT for gas lighting, glass tubes filled with Neon, Argon or Krypton, and small decorative fixtures such as porch lights.

29.13 REQUIREMENTS, LIMITATIONS AND PROHIBITIONS:

A. Commercial and Industrial Zones and Land Uses:

(1) Searchlights, lasers or other high-intensity light designed primarily to light the sky for advertising or entertainment purposes are prohibited as being contrary to the express intent of this Article.

(2) Off-premises advertising signs, if permitted, shall not be illuminated externally or internally unless expressly allowed as a condition of site plan approval.

(3) Advertising signs shall not be illuminated between one (1) hour after the close of business and one (1) hour before the opening of business on the following day except by special permission granted as a condition of site plan approval. All fixtures or circuits illuminating advertising signs shall be equipped with automatic timing device. If externally illuminated, all advertising, billboards, advertising kiosks and information boards shall be illuminated from the top downward with full cut-off shielding and such other shielding to direct the light on the sign or structure face only and shield the light source from view of vehicular and pedestrian traffic and adjacent property. If illuminated from the interior, signs, billboards, advertising kiosks and information boards, with the exception of theater marquee-type signs, shall have a dark background with lighter colored translucent (not transparent) lettering, logos and designs. Signs shall not incorporate any flashing or moving lights except as permitted under Article XXX, Sign Regulations.

(4) Quartz and mercury vapor lighting are prohibited because of the broad spectrum of visible light which these sources emit and because of the diffusive and reflective character of such light.

(5) All parking lots in Commercial and Industrial zones shall be illuminated only when in use during regular business hours and thereafter only until the public and employees have left the premises. Approved security lighting will be permitted.

(6) Entrance and traffic marker lights along access roads and drives, in parking lots and along pedestrian ways shall be sodium type and equipped with full cut-off shielding as well as shielding to keep the light source out of view of vehicular and pedestrian traffic.

(7) The use of non-conforming bulbs and fixtures in Commercial and Industrial zones shall not be permitted land use.

(8) Outdoor display areas including but not limited to automobile or equipment dealer display or storage lots may be illuminated during the hours the business is open to the public or until 11:00 p.m. Metal halide light sources may be used provided such fixtures are equipped with full cut-off shielding and project only the minimum amount of light necessary for good visibility.

(9) Lighting of building facades shall be from the top and directed downward with full cut-off shielding and additional shielding to keep the light source from the view of vehicular and pedestrian traffic and adjacent property.

(10) Security lighting shall be directed away from and/or shielded from road traffic and adjacent properties.

B. Residential and Recreational Zones and Land Uses:

(1) Residential security lighting shall be energized by motion detectors unless otherwise permitted as a condition of site plan or plot plan approval. Security lighting shall be directed away from and/or shielded from road traffic and adjacent properties.

(2) Residential yard lights shall be a sodium light source in a fixture with full cut-off shielding.

(3) Quartz and mercury vapor lighting are prohibited because of the broad spectrum of visible light which these sources emit and because of the diffusive and reflective character of such light.

29.14 APPROVED MATERIALS:

A. The provisions of this Article are not intended to prevent the use of any design, material or method of installation, even if not specifically prescribed by this Article, provided that such alternate has been approved by the Planning Commission and meets or exceeds the Illuminating Engineers Society (EIS) standards.

29.15 EXEMPTIONS:

The following uses and activities shall be exempt from these Exterior Lighting Regulations:

(1) Emergency equipment.

(2) Holiday decorations, provided that such decorative exterior lighting shall not include search lights, flood lights, stroboscopic lights, or lights which create glare or distractions potentially dangerous to vehicular or pedestrian traffic, or lights which create unnecessary and unwanted glare in the night sky.

(3) All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps, are exempt from the requirements of this Article.

(4) Voluntary compliance with the intent of this Article at any facility exempt from this Article is encouraged.

29.16 RELIEF FROM EXTERIOR LIGHTING REGULATIONS:

Applications for relief from the regulations of this article may be made to the Whitewater Township Zoning Board of Appeals. Any ruling granting relief shall contain all conditions upon which said permit has been granted, including, but not limited to, the effective dates, times, locations and specifications of the lighting fixtures and plan permitted.

29.17 CONFLICTS:

Where any provision of the statutes, codes or laws of the United States of America or the State of Michigan or the County of Grand Traverse conflict with any of the provisions of this Article, the most restrictive shall apply unless otherwise required by law.

29.18 VIOLATION AND ENFORCEMENT:

(1) It shall be unlawful for any person to violate any of the provisions of this Article.

(2) Any person who shall violate any provision of this Article shall be subject to the penalties specified under Article XXI of this Ordinance.

(3) The Zoning Administrator or his agent is hereby empowered to enforce this Article.

(4) The Zoning Administrator or his agent shall notify each applicant for a Land Use Permit that compliance with the provisions and regulations of this Article is a condition of such Land User Permit.

29.19 SEVERABILITY:

If any provision, clause, sentence, sub-sentence, paragraph, section or part of this Article be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the provision, clause, sentence, sub-sentence, paragraph, section or part thereof directly involved in the controversy in which said judgement shall have been rendered.