



ORDINANCE 505
VILLAGE OF ELK RAPIDS ZONING CODE OF ORDINANCES
CHAPTER 44, SEC. 44-228. LIGHTING

The Village of Elk Rapids ordains to amend **CHAPTER 44, Sec. 44-228. Lighting** for the purpose of establishing consistent and reasonable exterior lighting within the Village of Elk Rapids to promote the health, safety, and wellbeing of the community.

Section 1: Amendment.

Sec. 44-228. Lighting.

- (a) *Purpose and intent.* The standards of this section are intended to preserve the general welfare by permitting sufficient lighting for parking areas, walkways, common-site areas, to minimize the adverse effects of inappropriate lighting and to preserve the restful nighttime enjoyment. All exterior lighting shall be designed, installed, and maintained to control glare and light trespass; and prevent the degradation of the nighttime visual environment.
- (b) *Scope.* The standards of this section shall apply to all exterior lighting sources on all properties; all light sources visible from any road right-of-way; and all development projects subject to site plan review and zoning compliance approval, except as follows:
- (1) Residential accessory exterior lighting such as low-level intensity lawn or walkway lighting, and special seasonal lighting such as for holiday decorating.
 - (2) Lighting for a permitted temporary circus, fair, carnival, or civic use, except that the Planning and Zoning Administrator may impose reasonable restrictions on the use of such lighting where necessary to protect public safety and welfare.
 - (4) Shielded lighting of flags of the United States of America or the state.
 - (5) Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).
 - (6) Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this section; or where fire, police, emergency, or repair personnel need light for temporary or emergency situations.
- (c) *General requirements.* The following general requirements shall apply to all light sources regulated by this section:
- (1) *Fully shielded.* Exterior lighting shall be fully shielded using concealed source fixtures directed downward and away from adjacent lots and road rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, reflectors or other measures to prevent off-site glare and light pollution.
 - (2) *Glare and light trespass.* Exterior lighting shall be designed, constructed, and maintained in a manner that prevents off-site glare, light trespass on neighboring properties, and traffic hazards for motorists.

(3) *Lamp illumination.*

- a. Except as prohibited in subsection (c)(6) of this section, LED fixtures in parking lots shall Have a maximum foot-candle output consistent with the table below up to 20 feet in height above grade.
- b. Decorative exterior light fixtures or lamps shall be limited to lamps with a maximum foot-candle output wattage equivalent to of 100 watts incandescent per fixture.

(4) *Intensity.*

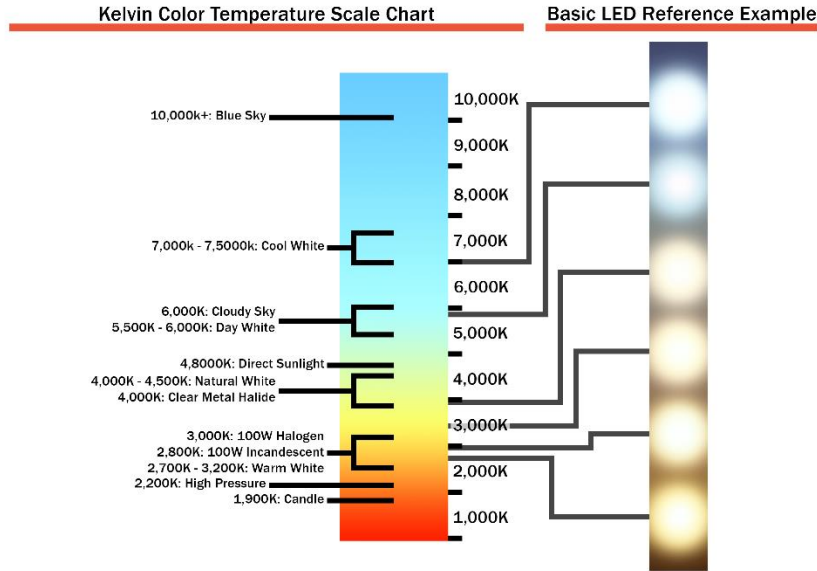
- a. The maximum intensity of light within any site shall not exceed the following standards:

<i>Light Intensity</i>	<i>Foot-Candles</i>
At any point within the site	10.0 Max.
General Site	1.5 Max Avg.
Parking Areas and Roadways	4 Max Avg.
Adjacent to Residential or Road Right-of-Way	0.2 Max.
Adjacent to Commercial or Non-Residential	1.0 Max.

- b. Intensity level determination. Exterior lighting intensity levels shall be measured on the horizontal plane at grade level within the site; and on the vertical plane of the lot or road right-of-way boundaries at a height of five (5) feet above grade. Fixture height shall be measured from grade level to the highest point of the light source (see illustration below).

- 5. *Lighting Color and Warmness Standards.* Exterior lighting color shall not exceed 3,500k on the Kelvin scale.

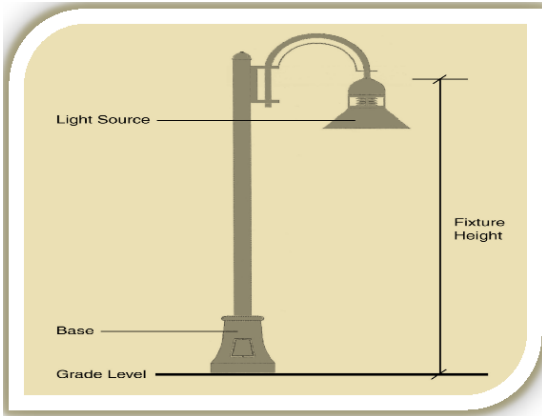
KELVIN SCALE



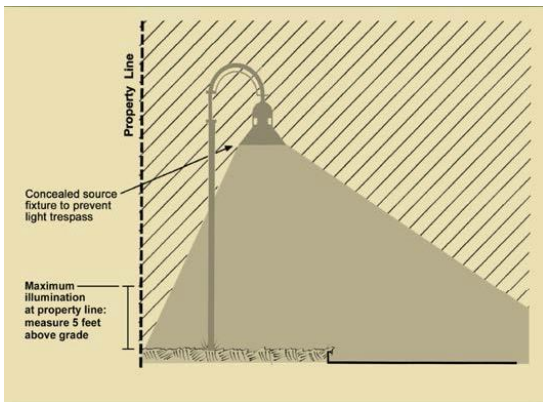
- (6) *Fixture type standards.* The following standards shall apply to specific types of exterior light fixtures, in addition to the provisions of this subsection (c):
- a. *Freestanding pole lighting.* The maximum height of all freestanding, pole-mounted fixtures shall be determined by the fixture's proximity to the boundary of a lot or parcel in a residential zoning district, as follows:

<i>Fixture Location</i>	<i>Maximum Fixture Height</i>
Less than or equal to 50 ft.	15 ft.
More than 50 ft.	20 ft.

- b. *Architectural lighting.* Exterior illumination of building facades shall be limited to fully shielded fixtures directed toward the building facade. All light from such fixtures shall be concentrated on the wall surface. Luminous tube (neon) and fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure, including, but not limited to, rooflines, cornices, eaves, windows, and door openings.



Light Fixture Height



Light Fixture Orientation and Shading

- (7) *Prohibited lighting.* The following types of exterior light sources and activities shall be prohibited:
 - a. *Mercury vapor lighting.* The installation of mercury vapor fixtures shall be prohibited.
 - b. *Animated lighting.* Lighting shall not be of flashing, moving, or animated type.
- (8) *Alternative fixtures, replacement or alteration.* Alternative lighting design or specific fixture substitutions may be permitted in accordance with the following requirements:
 - a. *Decorative light fixtures.* The Planning Commission may approve the use of decorative light fixtures as an alternative to fully shielded fixtures, where such fixtures would enhance the aesthetics of the site without causing off-site glare or light trespass.
 - b. *Fixture alteration or replacement.* Light fixtures regulated by this section shall not be altered or replaced unless approved by the Planning and Zoning Administrator

after verification that the alteration or substitute fixture conforms to the requirements of this section.

Section 2: Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Village Council hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

Section 3: Effective Date.

This Ordinance shall become effective eight (8) days following publication on October 6, 2023.

ROLL CALL VOTE

Yeas: Pryde, Sergent, Shumate, Simpson, Fosdick, Mullaly.

Nays: None.

Excused: West.