

**Vergennes Township
Kent County**

**Ordinance 2009-2
Adopted October 19, 2009**

AN ORDINANCE TO AMEND CHAPTER 4, GENERAL AND SPECIAL REGULATIONS, SECTION 201.413A – RESIDENTIAL LIGHTING ORDINANCE; CHAPTER 3, ZONING DISTRICTS, SECTION 201.308 F – COMMERCIAL DISTRICT, SECTION 201.309 F INDUSTRIAL DISTRICT AND CHAPTER 2 DEFINITIONS, SECTION 201.202 – SPECIFIC TERMS, OF THE VERGENNES TOWNSHIP ZONING ORDINANCE.

VERGENNES TOWNSHIP HEREBY ORDAINS:

Section 1. Section 201.413A Residential Lighting Ordinance, shall be amended as shown below in its entirety with all changes incorporated:

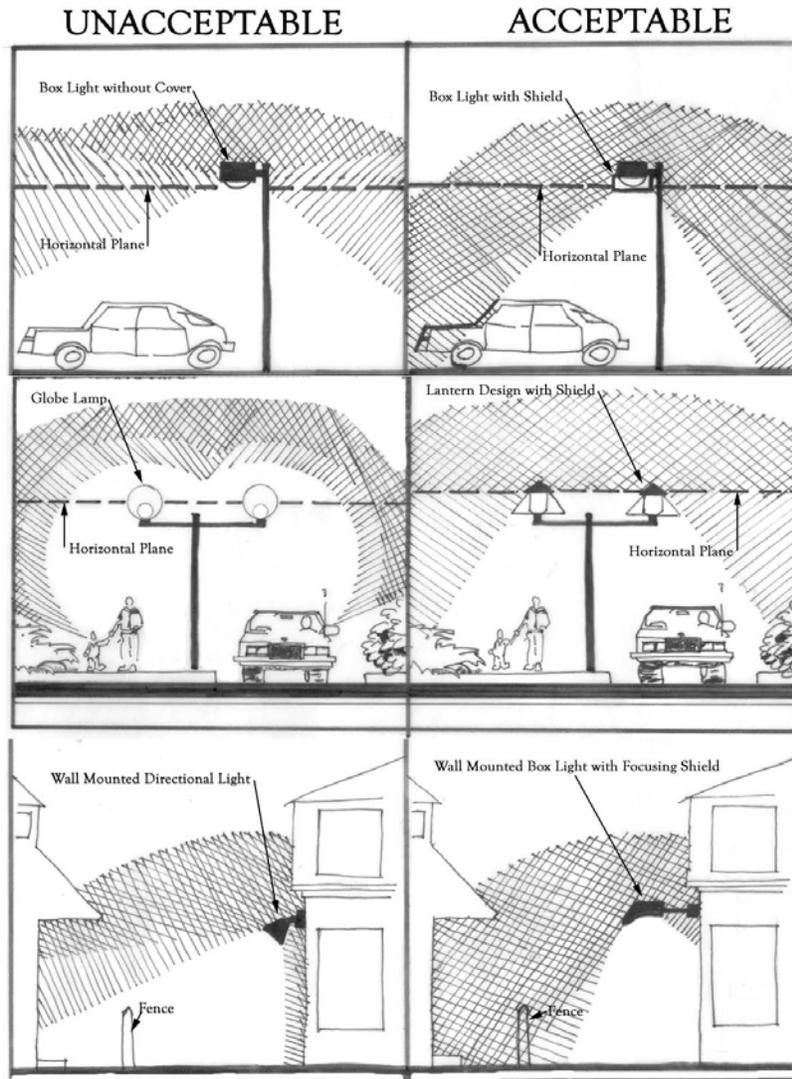
201.413A Residential Lighting Ordinance.

4.13A.

- A. Intent and purpose: To maintain the rural character of our Township, including its residential areas, by promoting the sensible energy efficient use of exterior lighting that limits unnecessary light from being directed skyward or onto neighboring properties. Insure that direct or directly reflected light is confined to each property to prevent light trespass and to prevent glare or excessive lighting as defined herein.
- B. Exterior Lighting shall be designed, constructed and installed in accordance with the following:
 1. Exterior lighting is subject to the applicable definitions and the following standards.
 - a. Flags may be up-lit by a single shielded bulb and directed to illuminate only the flag and pole.
 - b. Decorative lighting shall be at a minimum partially shielded as defined herein.
 - c. Wall mounted entrance lighting shall be at a minimum partially shielded as defined herein except clear side glass is also permitted. Spot or security lights (switch or motion detecting) shall be fully shielded and aimed downwards to not create a glare to neighboring properties or vehicle drivers on a road.
 - d. Post mounted lantern type yard lights shall be at a minimum partially shielded as defined herein.
 - e. Flood, spot (building or post mounted) or soffit/canopy under surface exterior lighting (switch, motion sensing or day/night sensing) shall be downward facing and fully shielded or recessed as defined herein
 2. No elevated exterior light fixture, including, but not limited to, light poles, canopy lights, soffit lights and similar fixtures, shall exceed twenty (20) feet in height above grade. The height of light fixtures required for doors

on decks above grade can be measured from the walking surface (i.e. deck) they illuminate. Such elevated light fixtures shall be set back from the lot line one (1) foot per every one (1) foot of height.

3. There shall be no lighting of a blinking, flashing or fluttering nature, including changes in light intensity, brightness or color. Search lights, laser source lights or any similar high-intensity light shall not be permitted except in emergencies as directed by emergency personnel or night road repairs.
4. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
5. Exterior lighting in place prior to the adoption of this Ordinance is exempt (adopted 8-21-06). Lighting used for agricultural production purposes and decorative lighting intended and used to illuminate church steeples shall be exempt.
6. Seasonal holiday lighting, such as for Christmas, is allowed providing it does not create objectionable glare.
7. Sign lighting is also subject to section 201.403.
8. Refer to lighting illustrations below for examples of acceptable and unacceptable lighting:



Section 2. Section 201.202 Definitions, shall be amended to add lighting definitions of fully shielded, partially shielded, recessed, decorative lighting, exterior lighting, light trespass, bulb, wall mounted entrance, post mounted and floodlighting as described below:

Decorative Lighting: The placement of lighting fixtures meant to illuminate exterior areas along a sidewalk or a driveway or to define landscape plantings or architectural features of a dwelling.

Wall Mounted Entrance Lighting: The placement of lighting fixtures meant to illuminate exterior door entrances outside of dwellings or accessory buildings.

Post Mounted Lighting: Fixtures attached to a post to illuminate an exterior yard area.

Exterior Lighting: Temporary or permanent lighting that is installed, located or used in such a manner as to illuminate an exterior area or objects.

Light Trespass: Light that shines onto the property of others.

Fully Shielded: The light emitted from a fully shielded fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. No light is emitted and the bulb is not visible from the sides of the fixtures. This type of fixture is also considered a full cut-off fixture.

Recessed: When a light is built into a structure or portion of a structure such that the light is fully shielded and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

Partially Shielded: The bulb of the fixture is shielded by a translucent, frosted, partly opaque or colored siding and the bulb is not visible. The top of the light fixture will be capped to prevent light from shining upwards. Light may be emitted at the horizontal level of the bulb, but clear glass with visible light bulbs is not considered partially shielded.

Bulb: The source of electric light.

Floodlighting: Light that is intended to illuminate a large area and generally produce between 1,000 and 1,800 lumens.

Section 3. Section 201.308 (F) (5) Commercial District, Lighting Standards, shall be amended to read as follows:

- F. *Lighting Standards.* Exterior lighting shall be designed and constructed in such a manner to:
 - 5. No elevated exterior light fixture, including, but not limited to, light poles, canopy lights, soffit lights and similar fixtures, shall exceed twenty (20) feet in height.

Section 4. Section 201.309 (F) (5) Industrial District, External Lighting, shall be amended to read as follows:

- F. *External lighting.* All industrial operations shall comply with the lighting provisions of sections 201.413 A. and C., section 201.403 and the additional standards below.
 - 5. No elevated exterior light fixture, including, but not limited to, light poles, canopy lights, soffit lights and similar fixtures, shall exceed twenty (20) feet in height.

Section 5. Conflicts. If any provision of the Vergennes Township Ordinance conflicts with this amendment to the Zoning Ordinance, the most restrictive provision shall be applied.

Section 6. Severability. Should any section or part of this Ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining sections or parts of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective eight (8) days after its publication in a newspaper of general circulation in the Township.

VERGENNES TOWNSHIP

Dated: _____

By: _____
Mari Stone, Clerk

Date Published: October 28, 2009