

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 11-01

AN ORDINANCE TO ADD A DEFINITION OF “FOOT CANDLE” TO SECTION 2.04, “DEFINITIONS - F,” OF CHAPTER 2, “DEFINITIONS”; TO ADD SECTION 4.24, “OUTDOOR LIGHTING REQUIREMENTS AND RESTRICTIONS,” TO CHAPTER 4, “GENERAL PROVISIONS”; AND TO AMEND SECTION 20.04, “GENERAL SIGN PROVISIONS,” OF CHAPTER 20, “SIGNS,” OF “APPENDIX A - ZONING ORDINANCE” OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL

Councilmember LaPonsie, supported by Councilmember Ellison, moved the adoption of the following ordinance:

THE CITY OF LOWELL ORDAINS:

Section 1. Addition of Definition to Section 2.04 of Chapter 4. The following definition is added to Section 2.04, “Definitions – F,” of Chapter 2, “Definitions,” of “Appendix A – Zoning Ordinance” of the Code of Ordinances of the City of Lowell:

Foot Candle. A measure of illumination on a surface that is everywhere one (1) foot from a uniform point source of light of one (1) candle and equal to one (1) lumen per square foot.

Section 2. Addition of Section 4.24 to Chapter 4. Section 4.24, “Outdoor Lighting Requirements and Restrictions,” is added to Chapter 4, “General Provisions,” of “Appendix A – Zoning Ordinance” of the Code of Ordinances of the City of Lowell to read as follows:

Section 4.24. Outdoor Lighting Requirements and Restrictions.

A. *Purpose.* The purpose of this section 4.24 is to allow for nighttime use of property through proper illumination while creating and maintaining safety for pedestrians and motorists by minimizing glare directed onto public rights-of-way. In addition, the requirements of this section 4.24 are meant to preserve the restful quality of nighttime by eliminating intrusive, artificial light and illumination that unnecessarily contributes to "sky glow," and to reduce light pollution and light trespass onto adjacent properties.

B. *Exempted lighting.* Lighting commonly associated with single-family or two-family dwellings, including porch lights, low-level lawn lights, soffit-mounted facade illumination

and special seasonal lights, such as holiday decorations, shall be exempted from the requirements of this section 4.24, *provided, however*, that flood lights, spot lights or yard lights mounted higher than ten (10) feet above grade shall be subject to the standards of section 4.24E hereof. Lighting associated with temporary or special events, may be exempted from the requirements of this section 4.24 hereof upon prior request and approval of the city manager or his or her designee.

C. *Scope and Application.*

1. The requirements of this section 4.24 shall apply to any new development or renovation requiring a site plan pursuant to chapter 18 of this ordinance and to the installation of any new regulated lighting as provided under section D of this section 4.24. New developments shall comply with this section 4.24, as shall existing developments under consideration for an other than minor changes in a site plan as described in section 18.09 hereof

2. Any new development or renovation requiring a site plan pursuant to chapter 18 of this ordinance shall include detail on the design and location of all exterior lighting, including light poles, wall-mounted fixtures and illuminated signs. The planning commission or zoning enforcement officer may require submission of additional details, including lighting output, bulb type, planned lighting coverage and other elements to determine the extent of proposed lighting on the site and any potential impacts off the property subject to site plan approval.

D. *Regulated Lighting.* The following types of outdoor lighting shall be regulated by this section 4.24:

1. Lighting intended to illuminate a site, facade and/or parking area for commercial, industrial, institutional and multiple family residential uses.

2. Private street lighting and public street lighting, including that installed by a municipality or power company.

3. All forms of neon lighting.

4. Lighting of signs.

5. Lighting not exempted under section 4.24B hereof.

E. *General Standards.* Outdoor lighting shall be designed, constructed and maintained in compliance with the following standards:

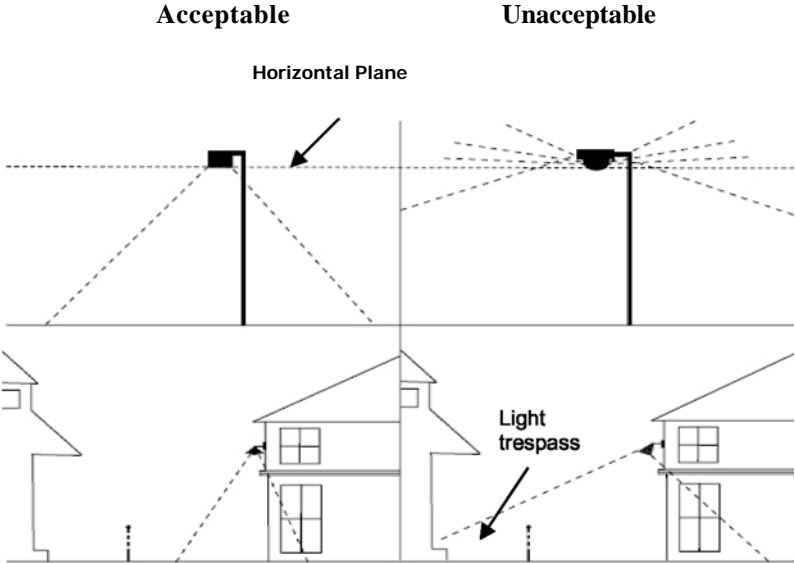
1. Direct light and directly-reflected light shall be confined to the subject property by screening, shielding, landscaping or other measures such that no lighting in excess of one-half (1/2) foot candle shall be cast on adjoining private

property. This standard shall not apply to internally lit signs meant to be visible from the adjoining public right-of-way.

2. Lamps or bulbs, fixtures and other physical parts of the fixture assembly shall be shielded or hooded to prevent glare from traveling beyond the subject property and to ensure that the light source is not directly visible from beyond the boundary of the subject property.

3. Light fixture assemblies shall have one hundred (100%) percent cut-off above the horizontal plane at the lowest part of the light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane as illustrated by figure 4.24.

Figure 4.24. Fully Cut-off, Downward Facing Fixtures



4. There shall be no lighting of a blinking, flashing or fluttering nature including changes in light intensity, brightness or color. Beacon, strobe and search lights shall be prohibited. No colored lights shall be used at any location or in any manner which might be confused with or construed as traffic control devices.

5. In addition to the requirements of this section 4.24, parking area lighting shall comply with the standards of section 19.03C of this ordinance.

6. The planning commission or zoning enforcement officer may impose additional conditions on site illumination to further the purpose of this section 4.24.

7. Internally-lit signs, electronic message boards, back-lit changeable copy signs and signs incorporating light emitting diode (LED), liquid crystal, video or other types of internally-lit systems shall be designed, shielded and oriented so as

not to interfere with adjacent public rights-of-way or adjacent property and such signs shall not emit light exceeding either ten (10) foot candles measured four (4) feet perpendicular to the sign face or one-half (1/2) foot candle measured at the property line of adjoining privately-owned property.

F. *Departures.* Outdoor lighting shall comply with the requirements of this section 4.24, provided, the planning commission may, upon written application approve departures from the standards of this section 4.24 if the planning commission finds that the following standards are demonstrated by the applicant:

1. The use is a permitted or special land use in the zoning district.
2. The applicant will undertake reasonable measures to assure that the public health, safety and welfare would not be undermined by approving the proposed departure.
3. The proposed plan includes reasonable measures to mitigate any glare, annoyance, intrusion or distraction would be caused by the proposed lighting.
4. The general public would benefit from the proposed lighting and the proposed lighting and related land use are consistent with the city master plan.

Section 3. Addition of Subsection Q to Section 20.04 of Chapter 20. Subsection Q is added to Section 20.04, “General Sign Provisions,” of Chapter 20, “Signs,” of “Appendix A – Zoning” of the Code of Ordinances of the City of Lowell to read as follows:

Q. Internally-lit signs, electronic message boards, back-lit changeable copy signs and signs incorporating light emitting diode (LED), liquid crystal, video or other types of internally-lit systems shall be designed, shielded and oriented so as not to interfere with adjacent public rights-of-way or private property and such signs shall not emit light exceeding either ten (10) foot candles measured four (4) feet perpendicular to the sign face or one-half (1/2) foot candle measured at the property line of the adjoining privately-owned property.

Section 4. Publication. After its adoption, the City Clerk shall publish this ordinance, or a summary thereof, as permitted by law, along with the date of its adoption in the *Lowell Ledger*, a newspaper of general circulation in the City at least ten (10) days before its effective date.

Section 5. Effective Date. This ordinance shall take effect ten (10) days after it or a summary thereof, as permitted by law, along with the date of its adoption is published as provided in Section 4 above.

YEAS: Councilmembers Altoft, LaPonsie, Schrauben, Mayor Pro Tem Ellison and Mayor Hodges.

NAYS: Councilmembers none.

ABSTAIN: Councilmembers none.

ABSENT: Councilmembers none.

ORDINANCE DECLARED ADOPTED.

Dated: January 3, 2011

Betty R. Morlock
City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan, certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held January 3, 2011, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents, was published in the *Lowell Ledger* on January 12, 2011. I further certify that the above ordinance was entered into the Ordinance Book of the City on January 3, 2011, and was effective January 22, 2011, ten (10) days after publication.

Dated: January 3, 2011

Betty R. Morlock
City Clerk