

- (d) No fence shall be placed closer than three (3) feet to an adjacent property line without both owners providing approval in writing to the Zoning Administrator and such approval shall include a statement that the fence shall be maintained in good condition and such maintenance shall be the responsibility of each property owner.
- (6) Construction: Fences shall be designed so as not to impede the natural or established water drainage along lot lines.

SECTION 7.14 EXTERIOR LIGHTING REGULATIONS: (ADDED BY AMENDMENT 175A)

- (1) All new outdoor light fixtures and specified lighting practices shall conform with this section.
- (2) Outdoor lighting fixtures existing as of the effective date of this amendment may continue to be used except as otherwise provided.
- (3) Voluntary compliance with the intent of this section for exempt uses or structures and existing outdoor fixtures is encouraged.

Section 7.14.1 Intent:

The Peninsula Township Board finds that this Section of the Ordinance complies with the Master Plan and that the dark night sky is considered a valuable natural and aesthetic resource which should be protected. The dark night sky contributes significantly to our quality of life by contributing to public peace and to the health, safety, and welfare of the residents of and visitors to Peninsula Township. The essential public purposes that warrant Township regulation of the use of outdoor light fixtures include, but are not necessarily limited to:

- (1) Safety of individuals using outdoor areas for legitimate and necessary purposes after dark.
- (2) Minimization of light pollution, which has a detrimental effect on the environment, astronomical research, amateur astronomy, and general enjoyment of the night sky.
- (3) Elimination of unnecessary and/or unwanted illumination of adjacent and distant properties.
- (4) Conservation of electrical energy-generating resources.
- (5) Protection of vehicular and pedestrian traffic from dangerous glare.

Section 7.14.2 Lighting-Related Definitions:

- (1) Automatic Timing Device: A device which automatically turns outdoor light fixtures and/or circuits on and off.
- (2) Floodlight: A very strong artificial light so directed or diffused as to give a comparatively uniform illumination over a rather large area and often used to light up the outside of buildings.
- (3) Full Shielding: A technique or method of construction which causes light emitted from an outdoor light fixture or any bright reflecting section to be such that the light source and any bright reflecting surface are not visible above the shield's horizontal plane or beyond the boundaries of the property.
- (4) Glare: Intense blinding light emanating directly from a lamp, reflector or lens including bright reflective sections.
- (5) 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.
- (6) Light Source: The bulb or other element in an outdoor light fixture which emits light.
- (7) Motion Detector: A device triggered by motion and used to energize light sources.
- (8) Outdoor Light Fixture: An illuminating device which is permanently installed outdoors, including but not limited to devices used to illuminate signs.
- (9) Shield: 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 Section.
- (10) Security Lighting: Such outdoor light fixtures and/or practices are intended to discourage intrusion on the premises by unwanted persons.
- (11) Vehicle Use Area: A Vehicle Use Area is a paved or unpaved driveway, maneuvering, loading and delivery area, solid wastecollection, temporary storage area and outdoor processing area.
- (12) Yard Lighting: Such outdoor light fixtures and/or practices intended for the convenience, enjoyment, and safety of a property owner.

Section 7.14.3 Exterior Lighting Standards:

- (1) All new outdoor light fixtures shall:
 - (1) Have full shielding.
 - (2) Driveway post lights shall have translucent lens or covers to protect vehicular and pedestrian traffic from glare.
 - (3) Control light fixtures with manual switches, motion detection devices or other automatic timing devices.
- (2) Building facades may be lit, but only in a downward direction and fully shielded.
- (3) Security lighting may be approved as part of a site plan, and if approved shall be fully shielded.
- (4) Prohibited lighting types and/or practices:
 - (1) Searchlights, lasers, or other high-intensity lights designed or used primarily to light the sky for advertising or entertainment purposes;
 - (2) Broad-spectrum lighting, such as quartz, metal halide and mercury vapor lighting because of the diffusive and reflective characteristics of such light;
 - (3) Foliage/tree “up lighting”.
- (5) Illuminated Signs
 - (1) Illuminated signs must be turned off no more than one (1) hour after the close of business and may be turned on no earlier than one (1) hour before the opening of business except by special permission granted as a condition of site plan approval.
 - (2) External illumination of signs, billboards, advertising kiosks, and information boards shall be mounted at the top of the sign or sign structure and be fully shielded;
 - (3) Internally illuminated signs, billboards, advertising kiosks, and information boards shall have a dark background with lighter-colored translucent (not transparent) lettering, logos, and/or designs.
- (6) Parking Lots for commercial uses, planned unit developments, condominium subdivisions, subdivisions, public and institutional buildings, schools; churches, parks, processing facilities, retail sales uses and other vehicular

use areas;

- (1) Parking lots shall be illuminated no earlier than one (1) hour before regular hours of operation, and no more than one (1) hour after regular hours of operation except by special permission granted as a condition of site plan approval.
- (2) Pole height shall not exceed 15 feet except a pole height of up to 25 feet may be allowed for loading areas where necessary for agricultural purposes.
- (3) A greater number of low mounted lights are favored over elevated lights.

Section 7.14.4 Application/Review Procedures for Special Use Permits and Platted Subdivisions.

The application for all Special Use Permits and subdivisions after the effective date of this amendment shall include the following information:

- (1) Description of all illuminating devices, fixtures, lamps, supports, and reflectors, shall include catalog cuts, manufacturer's illustration and the like.
- (2) Photometric data shall be superimposed on the site plan. For smaller projects, the applicant may provide photometric data supplied by the manufacturer which is separate from the site plan.
- (3) Such other information about the site or adjoining sites as may be essential for the Township Board to determine if the requirements of this section are being met.

Section 7.14.5 Exemptions:

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

- (1) Emergency equipment while in use.
- (2) Holiday decorations, provided that decorative exterior lighting shall not include searchlights or stroboscopic lights.
- (3) Fixtures such as decorative or porch lights or walkway lighting.
- (4) All outdoor light fixtures producing light directly from solar or the combustion of fossil fuels such as kerosene lanterns or gas lamps provided the intensity of light does not create glare or distractions that pose a potential danger to vehicular or pedestrian traffic or unnecessary and unwanted glare in the night sky.

- (5) Lighting fixtures to illuminate the American flag may have light shining vertically provided the light source is shielded and the light is focused on the flag.

Section 7.14.6 Relief from Exterior Lighting Regulations:

Applications for relief from the regulations of this Section may be made to the Peninsula Township Zoning Board of Appeals pursuant to Section 5.7 provisions and standards for variances. 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 plans permitted.