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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

**Regular Meeting
Thursday, February 14, 2019
6:00 p.m.
AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: January 24, 2019
6. Old Business
 - a. Agritourism Ordinance draft
7. Any Other Business
 - a. Lighting Ordinance draft
8. Planning Commissioner Comments
9. Adjournment

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised xx/xx/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Nancy Culp	216-5221	ncoshtwp@oshtemo.org
<u>Trustees</u>		
Deb Everett	375-4260	deverett@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Ken Hudok	359-0787	khudok@oshtemo.org

Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
<u>Ordinance Enf:</u>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Julie Johnston	216-5223	jjohnston@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@oshtemo.org

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD JANUARY 24, 2019

Agenda

**PUBLIC HEARING: GO! GREEN OSHTEMO MASTER PLAN UPDATE
PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE TOWNSHIP
BOARD TO INCLUDE PARKS AND RECREATION, NONMOTORIZED
TRANSPORTATION, AND CONSERVATION EFFORTS OUTLINED IN THE GO!
GREEN OSHTEMO PLAN AS PART OF THE TOWNSHIP MASTER PLAN.**

OLD BUSINESS

a. AGRITOURISM ORDINANCE DRAFT

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, January 10, 2018, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Ron Commissaris
 Dusty Farmer, Secretary
 Micki Maxwell
 Mary Smith, Vice Chairperson

MEMBERS ABSENT: Ollie Chambers
 Bruce VanderWeele, Chair

Also present were James Porter, Township Attorney, Karen High, Parks Director, Jamie Baker, Public Works Technical Specialist and Martha Coash, Meeting Transcriptionist. No other persons were in attendance.

Call to Order and Pledge of Allegiance

Vice Chairperson Smith called the meeting to order at approximately 6:00 p.m. and invited those present to join in reciting the "Pledge of Allegiance."

Agenda

Vice Chairperson Smith asked for a motion to approve the agenda.

Mr. Commissaris made a motion to accept the agenda as presented. Ms. Farmer supported the motion. The motion was approved unanimously.

Public Comment on Non-Agenda Items

The Vice Chair determined no one cared to comment regarding non-agenda items and moved to the next agenda item.

Approval of the Minutes of January 10, 2019

The Vice Chair asked if there were any additions, deletions or corrections to the Minutes January 10, 2019. Hearing none, he asked for a motion.

Ms. Maxwell made a motion to approve the minutes of the Minutes of January 10, 2019 as presented. Mr. Commissaris supported the motion. The motion was approved unanimously.

Vice Chairperson Smith moved to the next agenda item.

PUBLIC HEARING: GO! GREEN OSHTEMO MASTER PLAN UPDATE PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE TOWNSHIP BOARD TO INCLUDE PARKS AND RECREATION, NONMOTORIZED TRANSPORTATION, AND CONSERVATION EFFORTS OUTLINED IN THE GO! GREEN OSHTEMO PLAN AS PART OF THE TOWNSHIP MASTER PLAN.

In the absence of Ms. Johnston, Vice Chair Smith asked Ms. Karen High to review the recommendation.

Ms. High said the *GO! Green Oshtemo* planning effort has been underway since the beginning of 2018. The intent of the project is to coordinate the parks, recreation, nonmotorized, and conservation plans of the Township into one guiding document. This will be the first time the Township has had a coordinated plan, which will not only assist the Township in achieving its overall vision, but will support grant applications made to state and local agencies.

To ensure that the *GO! Green Oshtemo Plan* is supported to the fullest extent, it will be incorporated as part of the Township's Master Plan, which includes a hearing before both the Planning Commission and Township Board.

During the course of the Plan development, she said individual study groups were created for the different components of the Plan – parks and recreation, nonmotorized, and conservation. These study groups met regularly to help guide the public process, provide input into the development of the plan, and offer a citizen's perspective.

In addition to the study groups, three public input sessions were held in March, June and August of 2018. These sessions were publicized on the Township's website, Facebook page and in the newsletter. Invitation emails were sent to interested master plan participants and to other social media sites like NextDoor. At the March open

house, a survey was developed for participants to weigh in on the GO! Green Oshtemo subjects. This survey was made available on the Township's website for a month after the March meeting.

Finally, Ms. High said that per state regulations, neighboring jurisdictions were notified of the Township's intent to plan for parks, recreation, nonmotorized transportation and conservation. When the draft Plan was complete, they were provided a 63-day opportunity to provide input on the Plan. We received letters or emails of support from the City of Kalamazoo, City of Portage, and Kalamazoo County.

Ms. High said if there are no further final suggested changes, Ms. Johnston suggested the Planning Commission forward a recommendation of approval to the Township Board, which would likely be considered at the February 12 meeting.

Vice Chair Smith thanked Ms. High for her report and said it is a beautiful, comprehensive program, good for Oshtemo and far-sighted.

Attorney Porter noted the letters from other municipalities were supportive and positive.

Mr. Baker, Public Works Technical Specialist said a lot of data was gathered for all the areas around the Township to try to integrate with their plans to create seamless at all boundaries to meet everyone's needs.

Mr. Commissaris said he was impressed and felt the plan was well done. He was pleased to see the match ups with other municipalities, particularly the Kal-Haven Trail and the Portage Trailway.

Vice Chair Smith opened the meeting for Public Comment, and noted no members of the public were in attendance. She asked for a motion.

Ms. Farmer made a motion to recommend approval of the Go! Green Oshtemo Plan for inclusion in the Master Plan as presented. Ms. Maxwell supported the motion. The motion was approved unanimously.

OLD BUSINESS

a. Agritourism Ordinance Public Comment

Attorney Porter indicated Ms. Johnston hoped Commissioners would review the most up-to-date version of the Agribusiness and Agritourism Ordinance. The new information provided was based on comments received from the public at the December 13, 2018 meeting and the Commission's review on January 10th.

Attorney Porter said Staff attempted to capture the Commission's comments

regarding the special event tables in Agritourism, Categories 2 and 3 discussed at the last meeting. He indicated the tables needed careful scrutiny, regarding series of events, sizes and total number of events per year in order to limit the number events allowed to a number that would reasonably accommodate both the owner and neighbors.

After discussion, it was felt that:

1) Definitions need to be provided for weddings and celebratory gatherings, fairs and festivals and holiday events for the page 11 chart for category 3, and whether the fairs and festivals category should be dropped altogether. Mr. Commissaris suggested those types of events could be held at Township parks.

2) Language needs to be developed to reflect that the days between events is the number of days listed on the chart required to wait before having any other type of event. The page 9 chart for category 2 is ok as is.

Attorney Porter said, in addition, the outstanding item of whether Category 2 businesses would be allowed to rent out buildings/property to allow for special events not sponsored by the Agritourism business needs consideration.

The Board discussed this question and decided the language under Definitions, F. Agricultural special event (Agritourism, Category 2) be left as is. To eliminate confusion, on page 2, #2 - Agritourism, Category 2 should be changed to eliminate "the use or rental of farm buildings for periodic special events;" in the last two lines.

Ms. Maxwell felt some issues will not be resolved until applicants come to the Board.

Ms. Farmer noted issues would all come before the Planning Commission which will provide all interpretations.

Attorney Porter thanked the Board and said he would pass on their input to Ms. Johnston.

Vice Chairperson Smith moved to the next item on the agenda.

ANY OTHER BUSINESS

There was no other business to consider.

PLANNING COMMISSIONER COMMENTS

There were no comments from Commissioners.

ADJOURNMENT

Hearing no further comments, Vice Chair Smith asked for a motion to adjourn the meeting.

Mr. Commissaris made a motion to adjourn the meeting. Ms. Farmer supported the motion. The motion was approved unanimously.

The meeting was adjourned at approximately 6:55 p.m.

Minutes prepared:
January 26, 2019

Minutes approved:
_____, 2019



February 7, 2019

Mtg Date: February 14, 2019
To: Planning Commission
From: Julie Johnston, AICP
Subject: DRAFT Agribusiness/Agritourism Ordinance

The attached document is the most up-to-date DRAFT of the Agribusiness and Agritourism Ordinance for Planning Commission review. The new information provided in **red** or the ~~striketrough~~ deleted language is based on the comments received from the January 24th meeting.

Staff attempted to capture the Commission's comments regarding the special event table in the Agritourism, Category 2 and 3, as well as needed definitions. There still may need to be some discussion regarding days between events, but I think we are getting close to a final resolution.

Thank you.

AGRIBUSINESS/AGRITOURISM DRAFT ZONING ORDINANCE

DEFINITIONS

New definitions to describe terms used within the agribusiness and agritourism regulations, which will be included in Section 11.000 - Definitions:

- A. Agribusiness: Any business catering exclusively to agricultural production, which may include, but is not limited to, supplying services or goods (such as feed or supplies) to producers of marketable agricultural products like greenhouses, nurseries, and farm cooperatives.
- B. Agriculture: The science, art, or occupation of cultivating land, raising crops, and feeding, breeding, and raising livestock.
- C. Agriculture building: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that is clearly accessory to the agricultural activity on site.
- D. Agriculture operation: The production, harvesting, and storage of farm products including the land, plants, animals, buildings, structures, ponds, machinery, equipment, and other appurtenances used in the production of farm goods as a source of income.
- E. Agricultural products: Includes but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.
- F. Agricultural special event (Agritourism, Category 2): A planned and organized education, entertainment, or recreation occasion or activity that brings the public to the agricultural operation, whether or not the participant paid to take part in the special event, **provided said event is solely provided by the agritourism property owner.**
- G. Agriculturally related products: Items sold at a farm to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream-based desserts and beverages, jams, honey, food stuffs, and other items promoting the farm and on-site production.
- H. Agriculturally related uses: Those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.
- I. Agritourism: An agriculturally based operation or activity that brings public to a working farm for the purpose of enjoyment, education, or active involvement in the farm operation. Agritourism enterprises are further classified as follows:

1. Agritourism, Category 1: An agritourism enterprise limited to u-pick fruits and vegetable operations, direct on-farm product sales, and farm markets.
 2. Agritourism, Category 2: An agritourism enterprise that includes education, entertainment, agricultural related uses and products, and limited non-agricultural related uses and products including: educational tours; historical agricultural exhibits; educational classes, lectures and seminars; petting farms, animal display and pony rides; outdoor mazes of agricultural origin, such as straw bales or corn; wagon, sleigh and hayrides; nature trails; outdoor picnic areas; ~~the use or rental of farm buildings for periodic special events~~; and, other similar uses.
 3. Agritourism, Category 3: An agritourism enterprise that utilizes the rural character or agricultural buildings on site for nonresidential special events or activities, including: educational tours, classes, lectures, and seminars; celebratory gatherings such as weddings; retail events such as farm markets, barn markets, and agricultural sales; day camps; and, other similar special events or activities.
- J. Farm Market: The sale of agricultural products directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land. This definition includes farm stands and roadside stands.
- K. **Holiday Events/Festivals (Agritourism 2 and 3): A nationally recognized or official public holiday, which include New Year's Day, Martin Luther King, Jr. Day, George Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Halloween, Veterans Day, Thanksgiving, and Christmas.**
- L. Non-agriculturally related products: Items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.
- M. Non-agriculturally related uses: Activities that are part of an agricultural tourism operation's total offerings but not tied to farming. Such non-agriculturally related uses include amusement rides, concerts, special events, etc.
- N. Seasonal: A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.
- O. U-Pick: A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.
- P. **Wedding/Celebratory Event: observation of a special social occasion such as a wedding, birthday, cultural traditions, etc., where people meet to commemorate and revel.**

ZONING DISTRICTS

Agribusiness and agritourism is intended to be located in the AG: Agricultural and RR: Rural Residential Districts. These districts are generally located within the western 2/3rds of the Township. Within both the AG and RR Districts, there will be uses permitted if all of the conditions can be met and special exception uses, which require Planning Commission approval.

Section 19:00 – Agricultural District

Permitted Uses with Conditions:

- 19.212 - Agribusiness
- 19.213 - Agritourism, Category 1

Special Exception Uses:

- 19.407 - Agritourism, Category 2
- 19.408 - Agritourism, Category 3

Section 20.000 – RR: Rural Residential District

Permitted Uses with Conditions:

- 20.213 - Agribusiness
- 20.214 - Agritourism, Category 1

Special Exception Uses:

- 20.412 - Agritourism, Category 2
- 20.413 - Agritourism, Category 3

PERMITTED USES WITH CONDITIONS

The two uses described below are permitted by right within the AG and RR Districts, as long as all of the conditions outlined can be met. A public hearing through the Planning Commission is not required.

A. Agribusiness

1. Application Narrative. A written narrative will be provided with any application describing the use in detail, including all the types of items, goods and merchandise that are proposed to be sold; the proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the use and which will assist the reviewing body in determining whether the application meets the conditional use requirements.
2. Exemptions. Generally recognized agricultural operations, which are not involved with the retail sales of goods to other agricultural producers, are exempt from these standards.
3. Building Floor Area.
 - a. Total building floor area for the agribusiness shall not exceed 2,000 square feet.
 - b. The maximum portion of any building used for agribusiness sales shall not exceed 600 square feet.

4. Outdoor Storage. Outdoor storage of agribusiness materials shall be limited to 1,000 square feet and shall be located in the rear yard only.
5. Road Access. Access to an agribusiness use must be from the County primary road or State highway, unless approved by the Planning Commission.
6. Parking. On-site vehicle parking shall be provided on agribusiness property as follows:
 - a. The total number of required spaces shall be calculated as one space for every 1,000 square feet of the total building floor area, plus one space for every two employees. This shall not include areas dedicated to agricultural production.
 - b. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
 - c. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.
 - d. Parking and driveway surfaces may be pervious or hard surface.
7. Education-Oriented Activities. Events and/or activities which bring the public to the property for the sole purpose of participation, learning, or involvement in the agricultural operation are permitted if they meet the following criteria:
 - i. Are limited to a one-day event no more than five times throughout a 12-month period.
 - ii. Have not more than 50 participants on the property at any one time during the one-day event.
8. Impact. If the proposed agribusiness use would cause undue impacts to surrounding properties related to drainage, traffic, noise, or other general health and safety issues, as determined by the Planning Director, or if the size of the agribusiness exceeds the maximums allowed herein, review and approval by the Planning Commission as a Special Use shall be required.

B. Agritourism, Category 1

1. Application Narrative. A written narrative describing the use in detail, including the proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the use and which will assist the reviewing body in determining whether the application meets the conditional use requirements.
2. Exemptions.
 - a. Generally recognized agricultural operations, which are not involved with the retail sales of goods to the public, are exempt from these standards.

- b. Farm markets with a sales area of 200 square feet or less, seasonal in nature, and where no permanent structure exists, are exempt from this ordinance.
3. Floor Area, Building and Outdoor Storage. The maximum area for farm markets shall be 3,000 square feet, which includes both the floor area of the building and the outdoor storage/display. Farm markets larger than 3,000 square feet shall be a Special Use reviewed and approved by the Planning Commission.
 4. Setbacks. Farm market buildings equal to or less than 200 square feet in size shall be located not closer than 15 feet from the road right-of-way line or 25 feet from the edge of pavement, whichever is greater. Farm market buildings greater than 200 square feet in size shall comply with the minimum required setback distances for the district in which such building is located.
 5. Retail Sales.
 - c. At least 75 percent of the products marketed and offered for sale (measured as an average over the farm's marketing season) must be grown or produced on and by the affiliated farm. For purposes of this requirement, affiliated means a farm under the same ownership or control (e.g. leased) as the farm market whether or not the farm market is located on the property where production occurs.
 - d. The remainder 25 percent of products sold must be agriculturally related products as defined by Section 11: Definitions.
 - e. For purposes of determining the percentage of products being marketed, the primary measure will be retail space used to display products offered for retail sale during the affiliated farm's marketing season. If measurement of retail space during the marketing season is not feasible, then the percent of the gross sales dollars of the farm market will be used.
 6. Education-Oriented Activities. Events and/or activities which bring the public to the property for the sole purpose of participation, learning, or involvement in the agricultural operation are permitted if they meet the following criteria:
 - iii. Are limited to a one-day event no more than five times throughout a 12-month period.
 - iv. Have not more than 50 participants on the property at any one time during the one-day event.
 7. Road Access. Access to an agritourism use must be from the County primary road or State highway, unless approved by the Planning Commission.
 8. Parking. On-site vehicle parking shall be provided on agritourism property as follows:
 - a. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
 - b. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.

- c. Parking and driveway surfaces may be pervious or hard surface.
9. Impacts. If the proposed agritourism use would cause undue impacts to surrounding properties related to drainage, traffic, noise, or other general health and safety issues, as determined by the Planning Director, review and approval by the Planning Commission as a Special Use shall be required.

SPECIAL EXCEPTION USES

The two uses outlined below are special exception uses, which require notice to neighbors within 350 feet of the property and a public hearing with the Planning Commission. The intensity of these uses is of a nature that extra measures to ensure compatibility is warranted.

A. Agritourism, Category 2

1. Application Narrative. A written narrative describing the use in detail, including both agriculturally related and non-agriculturally related products and uses; proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; special events; and other information describing the use and which will assist the Planning Commission in determining whether the application meets the Special Use requirements.
2. Exemption. Generally recognized agricultural operations, which are not involved with the retail sales of goods or any public activities, are exempt from these standards.
3. General Standards.
 - a. Parcel size. Parcels must be a minimum of 10 acres. The Planning Commission may consider a smaller parcel size depending on the agritourism uses planned. Their consideration of a smaller parcel size will be based on the intensity and scale of the proposed agritourism use, compatibility with surrounding property owners, and will be harmonious with the existing character of the area.
 - b. Maximum floor area. The maximum floor area for all buildings related to the agritourism use shall be 10,000 square feet. Clusters of smaller, architecturally appropriate structures are encouraged to maintain rural character of the agritourism use. This maximum floor area does not include greenhouses.
 - c. Outdoor storage/display. The maximum area for the storage/display of agricultural products for sale shall be one acre. This requirement does not apply to u-pick operations.
 - d. Architectural character. All buildings shall incorporate a rural theme in terms of style and design. This means new agritourism uses involving new structures shall complement and enhance the rural environment. For example, gable or gambrel roofs, roof ornamentation such as cupolas, dormers, porches, and decorative shutters.

- e. New uses and buildings. New uses and buildings shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site. Non-agricultural uses should be limited to lands with poor agricultural soils or lands otherwise not suitable for agricultural purposes.
- f. Use and product percentages. Agricultural products produced on site, agriculturally related products and uses, and non-agriculturally related products and uses are permitted based on the following percentages:
 - i. At least 50 percent of the products (measured as an average over the farm's marketing season) and uses marketed and offered must be grown or produced on and by or have a direct relationship with the affiliated farm. For purposes of this requirement, affiliated means a farm under the same ownership or control (e.g. leased) as the farm market whether or not the farm market is located on the property where production occurs.
 - ii. A maximum of 30 percent of the products and uses marketed and offered may be other agriculturally related products and uses as defined by Section 11: Definitions.
 - iii. A maximum of 20 percent of the products and uses marketed and offered may be non-agriculturally related products and uses as defined by Section 11: Definitions.
 - iv. For purposes of determining the percentage of products and uses being marketed and offered, the primary measure will be square footage of space used for each individual product or use. If measurement of retail space during the marketing season is not feasible to determine percentage of product, then the percent of the gross sales dollars will be used.
- g. Parking. On-site vehicle parking shall be provided on agribusiness property as follows:
 - i. The total number of required spaces shall be calculated as one space for every 1,000 square feet of the main public activity area, plus one space for every two employees. The main public activity areas shall be defined as the primary buildings and outdoor spaces where the public congregates for the agritourism use. This shall not include areas dedicated to agricultural production.
 - ii. 24-foot two-way or 20-foot one-way circulation aisles shall be maintained. To ensure drive aisles are maintained, the location of parking spaces shall be defined by providing some type of marker at the center of the space to be placed every 64 feet for two-way traffic and 60 feet for one-way traffic.
 - iii. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
 - iv. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.
 - v. Parking and driveway surfaces may be pervious or hard surface.

- vi. Accessible spaces must be provided in accordance with the requirements of Americans with Disabilities Act of 1990, utilizing the most current design standards.
 - vii. The Planning Commission may reduce or defer the number required parking spaces if the applicant provides a parking study that demonstrates, to the satisfaction of the Planning Commission, that a reduced number of parking spaces will meet the parking needs of the Agritourism uses. If parking is deferred, the location of those deferred spaces must be shown as such on the required site plan.
 - h. Lighting. Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed downwards to minimize light pollution. All lighting shall meet the standards of Section 78.720: Outdoor Lighting Standards.
 - i. Trash receptacles. Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by a screen fence or wall.
 - j. Screening. Opaque screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence, shall be provided near the primary public activity areas on those sides abutting or adjacent to a residential use. The use of natural landscape materials is encouraged. The Planning Commission may waive the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening.
 - k. Restroom facilities. Public restroom facilities, temporary or permanent, shall be provided on site.
 - l. Maximum capacity. The Fire Marshall or Building Official shall establish a maximum occupant capacity for meetings, training, educational or similar events which shall be appropriate to the site and facilities in terms of safe capacity in buildings, parking area and sanitation limitations of the site.
 - m. Hours of operation. Hours of operation must be provided by the applicant. The Planning Commission may alter the requested hours of operation for the agritourism uses, or specific elements thereof, consistent with the character of the land uses in the vicinity and may further approve an enforcement mechanism to ensure adherence to the established hours of operation.
 - n. Access. Access to an agritourism use must be from the County primary road or State highway, unless approved by the Planning Commission.
 - o. Livestock. The keeping of livestock for agritourism purposes shall be subject to the provisions of Section 78.400: Keeping of poultry, swine, horses, or livestock.
4. Agritourism Special Events.
- a. The following table outlines the type and number of Agritourism Special Events allowed throughout a typical calendar year, beginning on January 1st.

Event Type	Event Size (persons)	Number of Consecutive Days	Days between Events	Total Number of Events per Year
Educational classes, lectures, seminars, and day camps	1-20	5	2	15
	21-50	3	4	10
	Over 50 (max 100)	2	10	5
Retail events	N/A	2	30	3
Fairs and festivals	N/A	2	N/A	1
Holiday events/ festivals	N/A	2	60	3

- b. The agritourism operator/property owner shall submit the annual list of the special events to the Planning Commission for review within 30-days of the first requested event. The Planning Commission may eliminate a special event if said event would be unduly disruptive to the general peace and enjoyment of the rural and/or residential character of the surrounding area.
 - c. The special event must be related to and enhance the primary agritourism use of the property.
 - d. A reserved parking area shall be provided on-site to be utilized for special events. If the agritourism use intends to hold special events, this reserved area must be displayed on a site plan.
 - e. The reserved parking area must be of adequate size to accommodate the anticipated additional traffic of the special event. The size of the reserved parking area shall be reviewed and approved by the Planning Commission.
 - f. For special events lasting more than one day and with an expected daily attendance exceeding 100 hundred individuals, the on-site manager or owner shall notify all adjacent neighbors bordering the subject property in writing of the date, time, duration and description of the event. Notification shall occur at least five business days prior to the beginning of the event.
5. Education-oriented activities. Events and/or activities which bring the public to the property for the sole purpose of participation, learning, or involvement in the agricultural operation are exempt from the Agritourism Special Event standards if they meet the following criteria:
- a. Are limited to a one-day event no more than five times throughout a 12-month period.
 - b. Have not more than 50 participants on the property at any one time during the one-day event.

6. Prohibited Uses.

- a. Motorized off-road vehicle racing or other similar motor vehicle activities.
- b. Other uses that the Planning Commission determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, or visual clutter.

B. Agritourism, Category 3

- 1. Intent. The intent of the Category 3 Agritourism option is to allow opportunities for limited nonresidential ~~special~~ events or activities that make use of existing rural character and agricultural buildings.
- 2. Application Narrative. A written narrative describing the ~~special~~ events or activities, including proposed hours of operation; expected attendance; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the events or activities which will assist the Planning Commission in determining whether the application meets the Special Use requirements.
- 7. Events or Activities.
 - a. The following table outlines the type and number of events or activities allowed throughout a typical calendar year, beginning on January 1st.

Event Type	Event Size (persons)	Number of Consecutive Days	Days between Events	Total Number of Events per Year
Educational classes, lectures, seminars, and day camps	1-20	5	2	15
	21-50	3	4	10
	Over 50 (max 100)	2	10	5
Retail events	N/A	2	30	3
Weddings and celebratory gatherings	1-50	1	7	20
	51-150	1	20	15
	151-300 (max)	1	27	10
	Each sized event must meet the required days between that same sized event as outlined in this table. However, more than one sized event may be planned. To help protect rural character and minimize impacts to neighbors, there must be at least 13 days between different sized events. For example, each 200-person event must be at least 27 days apart, but a 100-person event can be held within 13 days as long as the next 100-person event continues to meet the 20 days between events as required by this table.			
Fairs and festivals	N/A	2	N/A	1

Event Type	Event Size (persons)	Number of Consecutive Days	Days between Events	Total Number of Events per Year
Holiday events/ special festivals	N/A	2	60	3

- b. For ~~special~~ events with an expected attendance exceeding 100 hundred individuals, the on-site manager or owner shall notify all adjacent neighbors bordering the subject property in writing of the date, time, duration and description of the event. Notification shall occur at least five business days prior to the beginning of the event.
- c. Hours of operation. Hours of operation for the ~~special~~ event or activities must be provided by the applicant. The Planning Commission may alter the requested hours of operation for the agritourism uses, or specific elements thereof, consistent with the character of the land uses in the vicinity and may further approve an enforcement mechanism to ensure adherence to the established hours of operation.

3. General Standards:

- a. Parcel size. Parcels must be a minimum of 10 acres. The Planning Commission may consider a smaller parcel size depending on the agritourism uses planned. Their consideration of a smaller parcel size will be based on the intensity and scale of the proposed agritourism use, compatibility with surrounding property owners, and will be harmonious with the existing character of the area.
- b. Architectural character. All buildings shall incorporate a rural theme in terms of style and design. This means new agritourism uses involving new structures shall complement and enhance the rural environment. For example, gable or gambrel roofs, roof ornamentation such as cupolas, dormers, porches, and decorative shutters.
- c. Road Access. Access to an agritourism use must be from the County primary road or State highway, unless approved by the Planning Commission.
- d. Parking. On-site vehicle parking shall be provided on the agritourism property as follows:
 - i. The total number of required spaces shall be calculated as one space for every 1,000 square feet of the main public activity area, plus one space for every two employees. The main public activity areas shall be defined as the primary buildings and outdoor spaces where the public congregates for the agritourism use. This shall not include areas dedicated to agricultural production.
 - ii. 24-foot two-way or 20-foot one-way circulation aisles shall be maintained. To ensure drive aisles are maintained, the location of parking spaces shall be defined by providing some type of marker at the center of the space to be placed every 64 feet for two-way traffic and 60 feet for one-way traffic.

- iii. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
 - iv. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.
 - v. Parking and driveway surfaces may be pervious or hard surface.
 - vi. Accessible spaces must be provided in accordance with the requirements of Americans with Disabilities Act of 1990, utilizing the most current design standards.
 - vii. The Planning Commission may reduce or defer the number required parking spaces if the applicant provides a parking study that demonstrates, to the satisfaction of the Planning Commission, that a reduced number of parking spaces will meet the parking needs of the agritourism uses. If parking is deferred, the location of those deferred spaces must be shown as such on the required site plan.
- e. Lighting. Any exterior lighting installed related to an agritourism event or activity shall be appropriately shielded and directed downwards to minimize light pollution. All lighting shall meet the standards of Section 78.720: Outdoor Lighting Standards.
 - f. Trash receptacles. Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by a screen fence or wall.
 - g. Screening. Opaque screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence, shall be provided near the primary public activity areas on those sides abutting or adjacent to a residential use. The use of natural landscape materials is encouraged. The Planning Commission may waive the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening.
 - h. Restroom facilities. Public restroom facilities, temporary or permanent, shall be provided on site.
 - i. Maximum capacity. The Fire Marshall or Building Official shall establish a maximum capacity for special activities or events which shall be appropriate to the site and facilities in terms of safe capacity in buildings, parking area and sanitation limitations of the site.
8. Prohibited Uses.
- a. Motorized off-road vehicle racing or other similar motor vehicle activities.
 - b. Other uses that the Planning Commission determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, or visual clutter.



February 7, 2019

Mtg Date: February 14, 2019
To: Planning Commission
From: Julie Johnston, AICP
Subject: DRAFT Lighting Ordinance

The attached document is the most up-to-date DRAFT of the Lighting Ordinance for Planning Commission review. The new information is provided in **red**, recommended deleted language is shown as ~~strike through~~, and finally some language is highlighted in **yellow**. These are recommended changes from a lighting consultant who reviewed the originally development amendments dated January 9, 2019.

Staff provided the January 9th amendments to Mr. Dan Cunningham, Operations Manager of Circuit Electric, Inc. (CEI). They are a full-service electric contractor/engineering firm recommended to staff by both AVB and Hurley & Stewart. Mr. Cunningham indicated the overall changes and approach to the amendments were good, but had a few suggested modifications. Staff updated the January 9th amendments to the current recommended language provided in this Planning Commission packet. These are the changes highlighted in yellow. Staff would like to discuss the remaining changes recommended by CEI before including them in the draft document.

Thank you.

Attachments: Staff suggested amendments
CEI suggested changes including table

ARTICLE 54 - LIGHTING
DRAFT 02/07/2019

54.10 INTENT

A. Statement of purpose. The purpose of this Article is to regulate the placement and arrangement of lighting within the Township. These regulations are intended to:

1. Protect the public health, safety and general welfare **by regulating lighting levels;**
~~Enable the fair and consistent enforcement of these regulations;~~ (Move to Objectives)
2. Control light spillover and glare;
3. Minimize the detrimental effect of ~~outdoor lighting on astronomical observations by the general public~~ **urban sky glow;**
4. Encourage lighting systems which conserve energy and costs;
5. Preserve community character **and enhance the appearance of the Township;**
6. Provide for nighttime safety, ~~utility,~~ **and security and productivity.**

B. **Objectives. Outdoor lighting shall satisfy the following** objectives. ~~Lighting arrangements shall be arranged in the following manner:~~

1. ~~To~~ **Avoid excessive** light spillover onto any adjacent premises;
2. ~~So that light from any illuminated source shall be so shaded, shielded, or~~ **and downward** directed ~~so that the light intensity or brightness will not be reasonably objectionable to~~ **interfere with the enjoyment, health, safety, and welfare of surrounding areas properties;**
3. ~~To~~ **Control** illumination of vertical architectural surfaces.
4. ~~To~~ **Provide** for uniform lighting within sites.
5. **Enable the fair and consistent enforcement of these regulations.**

54.20 APPLICABILITY

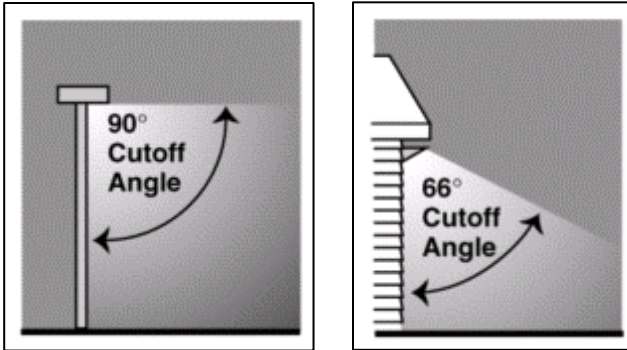
Except as is otherwise provided below, these lighting requirements shall apply to all lighting installed on any property within the Township. Any lighting legally in existence before the effective date of this Ordinance that does not comply with these requirements shall be considered legal nonconforming and may remain, except as detailed in Section 54.80 and subject to the following provisions:

- A. Alterations to existing lighting.
 - 1. When poles and support structures are destroyed or removed, they must be replaced with poles and supports that comply with all of the provisions of this Section.
 - 2. When luminaries are destroyed or removed, they must be replaced with luminaries that comply with all provisions of this Section.
- B. New parking lots or parking lot additions. When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this Section.
- C. New structures, additions, or replacements. When a site is improved with new structures, or additions to, or replacements of existing structures, the lighting for the new structure, addition, or replacement on the site must meet the requirements of this Section.

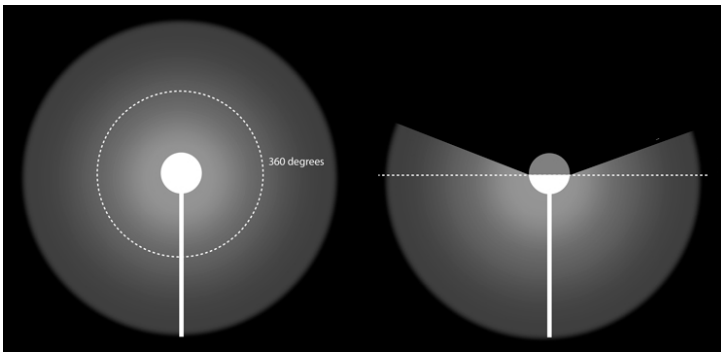
54.30 DEFINITIONS

- A. Ambient lighting - The general overall level of lighting in an area.
- B. Baffle or light shield - An opaque or translucent element to screen a light source from direct view.
- C. Building canopy - A portion of the building, whether structural or architectural in character, that projects outward.
- D. Bulb or lamp - The source of electric light. The term "bulb or lamp" is to be distinguished from the whole assembly (see Luminaire).
- E. Canopy structure - An overhead structure which is designed to allow vehicles or pedestrians to pass under it.
- F. Color rendering index (CRI) - a scale from 0 to 100 percent measuring a light source's ability to show object colors "realistically" or "naturally" compared to a familiar reference source, either incandescent light or daylight.
- G. Encased – a lamp obscured by translucent sheathing.
- H. Existing lighting - Any and all lighting installed prior to the effective date of this Ordinance.
- I. Exterior lighting - Temporary or permanent lighting that is installed, located, or used in such a manner to emit light outside. Fixtures that are installed indoors that are intended to draw attention to the exterior of the building from the outside are considered exterior lighting for the purposes of this Section.
- J. Fixture - The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

- K. Fixture, cutoff – A fixture that allows no emissions above the horizontal plane passing through the lowest point on the fixture from where light is emitted.



- L. Fixture, non-cutoff – A fixture that allows light to emit beyond the horizontal plan of the lowest point of the fixture and/or allows light emissions in all directions.



- M. Foot-candle - A unit of measurement for quantifying the brightness of illumination produced on a surface. One foot-candle is equal to one lumen per square foot.

- N. Glare - Harsh, uncomfortably brilliant light caused by the ability to see an unshielded light source.

- O. Kelvin rating – A unit to measure the color temperature of a light source, the higher the Kelvin rating (expressed in K), the whiter the light source.

- P. Lamp - The component of a luminaire that produces the light.

- Q. Light pole - The structure to support and elevate a luminaire.

- R. Light trespass - Light that is unnecessarily emitted beyond the boundaries of the property on which the luminaire is located.

- S. Luminaire – The complete lighting system, including the lamp and light fixture.

- T. Lumen - A unit of measurement for quantifying the amount of light energy emitted by a light source (power of the light radiated by the light source).

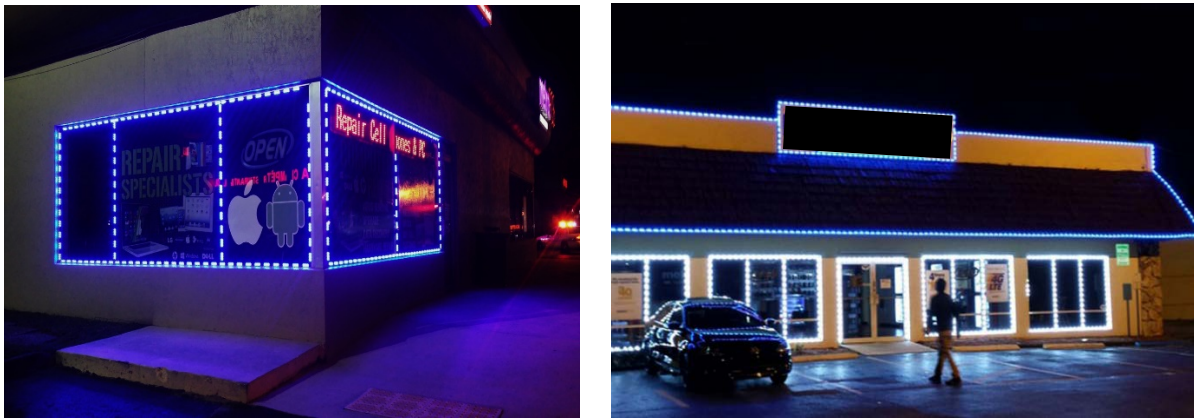
- U. Photometric plan - A diagram prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a state licensed professional engineer, architect, or landscape architect showing predicted maintained lighting levels produced by the proposed lighting fixtures, including any freestanding and building mounted lighting.
- V. Recessed - When a light is built into a structure or portion of a structure such that the light is fully cut off by the structure to which it is attached.
- W. Shielded - A bulb or lamp concealed by a baffle or light shield.
- X. Spotlight - A luminaire designed to light only a small, well defined area or object.
- Y. Urban sky glow - The brightening of the night sky due to manmade lighting.
- Z. Visibility - Being perceived by the human eye.

54.40 EXEMPTIONS

- A. Emergency lighting necessary to conduct rescue operations, support public safety, provide emergency medical treatment, to illuminate emergency means of egress, or address any other emergency situation.
- B. Lighting operated by a public utility or agency during the course of constructing, repairing, or replacing public utilities and infrastructure.
- C. Temporary construction lighting, provided it is discontinued daily immediately upon completion of the work.
- D. Temporary holiday decorative lighting, from November 15th through January 5th.
- E. Lights on communication towers and other hazards to aerial navigation as may be required by the Federal Aviation Administration.
- F. Lighting used to illuminate a flag of the United States, subject to Section 54.60.D.
- G. Lighting associated with Township recognized agricultural activities.
- H. Typical residential light fixtures on residential buildings and associated accessory buildings, ~~not to include flood lights or security lights~~, are exempt from the full cut-off requirement when mounted at a height of eight feet or less.
- I. All outdoor light fixtures existing and legally installed prior to the effective date of this Ordinance.

54.50 PROHIBITED LIGHTING

- A. ~~There shall be no~~ Lighting of a blinking, flashing, rotating, or fluttering nature, including changes in light intensity, brightness or color except for public safety purposes.
- B. Beacon and/or search lights ~~shall not be permitted~~ except for public safety purposes.
- C. Fixtures that direct light upward, **unless permitted by this Article.**
- D. **Roof mounted lighting.**
- E. **Lighting of an intensity or brightness that interferes with enjoyment, health, safety, and welfare of surrounding properties.**
- F. **Unshielded luminous tube, LED, incandescent, or fluorescent lighting as an architectural detail on the exterior of any structure or the interior of any windows; including but not limited to rooflines, cornices, eaves, windows, and door openings.**



(Examples of unshielded tube lighting)

54.60 OUTDOOR LIGHTING STANDARDS

~~All outdoor lighting upon any premises, regardless of zoning classification, shall be subject to the following conditions and limitations:~~

- A. **General Provisions**
 - 1. All **luminaires** are required to be cut-off fixtures, **unless otherwise permitted in this Article.**
 - 2. **Security or flood lighting shall be attached to buildings and controlled by motion sensors, which extinguish within 10 minutes of activation.**
 - 3. **Lighting plans shall be designed to direct light into the development and away from adjacent property.**

4. Site and area lighting of nonresidential properties shall be designed such that light levels do not exceed 0.1 foot-candles at any point along the perimeter of the property adjacent to residential zoning or uses and 0.5 foot-candles adjacent to all other zoning and uses.
5. To provide for uniformity of lighting, the ratio of maximum to minimum levels of light within the illuminated areas of a nonresidential property shall not exceed 4:1. Exception shall be made for those areas along the perimeter of the property where a significant reduction in lighting is expected in order to comply with the provisions of the subsection above.
6. For uses requiring Site Plan review, Lighting shall be significantly reduced during non-operational building hours, allowing only lighting necessary for security purposes. Lighting installations should include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting that affects urban sky glow. The lighting plan submitted for review shall note where this distinction occurs when and how this reduction in lighting will occur.
7. Lighting for all nonresidential developments shall have a minimum color rendering index (CRI) of 65 and a Kelvin rating between 4000-5000k.

A. ~~Site and area lighting shall be designed such that light levels do not exceed 0.1 foot-candles at any point along the perimeter of the property. In the instance of a commercial or industrial use of a property with both nonresidential and a higher underlying zoning where said higher zoning would not otherwise allow said use, the 0.1 foot-candle limit shall be required at the line where the nonresidential zoning changes to the higher zoning. (Moved to General Provisions)~~

B. ~~To provide for uniformity of lighting, the ratio of maximum to minimum levels of light within the illuminated areas of a nonresidential property shall not exceed 4:1. Exception shall be made for those areas along the perimeter of the property where a significant reduction in lighting is expected in order to comply with the provisions of subsection (a) above. (Moved to General Provisions)~~

B. Pole-Mounted Lighting fixtures used for site and area lighting shall be subject to the following design guidelines:

1. All pole-mounted lighting luminaires shall be affixed horizontally and angled perpendicular parallel to the ground.
2. No more than two luminaires shall be allowed per pole.
3. Pole-mounted lighting with a Luminaire height of 15 feet or less shall not exceed 175 watts 12,000 lumens per lamp luminaire and shall be spaced a minimum of 30 feet apart. and the fixture shall be cut-off design regardless of lamp type. Typical residential light fixtures on residential properties, not to include flood lights or security lights, are exempt from the cut-off requirement when mounted at a height of eight feet or less.
4. Pole-mounted lighting with a Luminaire height of greater than 15 feet and not exceeding 25 feet in height shall be a down-type, mounted horizontally and angled perpendicular to the ground (Illuminating Engineering Society of North America, "IES," sharp cut-off). Such lighting shall not

exceed ~~400 watts~~ 20,000 lumens per lamp luminaire and shall be spaced a minimum of 40 feet apart.

5. Pole-mounted lighting with a **Luminaire** height exceeding 25 feet shall be a down-type, mounted horizontally and angled perpendicular to the ground (IES sharp cut-off) and shall be subject to Township approval by the reviewing body. The applicant must prove, to the reviewing body's satisfaction, that pole heights exceeding 25 feet are needed to ensure public health, safety, and welfare. If permitted, such lighting shall not exceed ~~400 watts~~ 40,000 lumens per lamp luminaire and shall be spaced a minimum of 50 feet apart.
6. Pole-mounted lighting located adjacent to residentially zoned or used property shall place poles no closer than twice the mounting height of the luminaire.
7. Public street lighting shall be reviewed by the township for compliance with the intent of Section[s] ~~78.700 – 78.720~~ and shall be in character with the lighting called for in numbers [subsections] (1), (2) and (3) above.

C. Building-Mounted Lighting

1. Pedestrian walkways and doorways

- a. ~~Except as provided in Section 54.20.E, building-mounted lighting shall be full cut-off fixtures and shall not exceed 175 watts per lamp regardless of lamp type and shall not exceed a 20-foot mounting height~~ Shall not exceed 14-feet in height.
- b. Each luminaire shall not exceed 8,000 lumens and shall be spaced so the lighting for pedestrian walkways and entrances does not exceed 2.0 foot-candles.

2. ~~Fixtures~~ **Luminaires** used for the sole purpose of illuminating a building façade:

- a. May be up to 1.5 foot-candles averaged over the building façade. ~~400 watts per lamp and~~
- b. May be located on the building or be ground-mounted.
- c. Light generated from said fixtures shall be appropriately shielded with louvers so that no light is emitted beyond the building facade.

~~No more than 25 percent of a building wall may be illuminated.~~

~~The illumination of building exteriors shall not exceed the recommended foot-candle levels set forth by the IES, not to exceed 20 foot-candles.~~

~~Building-mounted fixtures, in this instance, shall be full cut-off and mounted so as to direct light down; fixtures that direct light upward are not permitted.~~

3. Architectural lighting

- a. The use of architectural features on the building, such as a canopy, which prevent the projection of light beyond the architectural feature may satisfy the intent of this Section and allow the use of non-full cut-off fixtures, subject to the approval of the reviewing body

~~Planning Director or designee. Typical residential light fixtures on residential buildings and associated accessory buildings, not to include flood lights or security lights, are exempt from the full cut-off requirement when mounted at a height of eight feet or less.~~

b. Internally illuminated bands – building façade.

- i. The reviewing body may approve the use of an internally illuminated architectural band or similar encased lighting accent on the façade of a building upon determining that such lighting accent would not cause off-site glare or light pollution.
- ii. Only one internally illuminated architectural band or similar encased lighting accent shall be permitted per building façade.
- iii. One linear foot of internally illuminated architectural band shall be allowed per linear foot of the building façade.
- iv. The band shall be no wider than 12-inches.
- v. The internally illuminated band shall not exceed 2,000 lumens and must provide consistent lighting levels throughout the band.
- vi. The band may be located at different elevations on the building façade, but at no time will the band be allowed to stack or overlap, except as noted in this Section.
- vii. Bands of different elevations may be allowed to overlap by no more than 12-inches where abutting architectural elements of varying heights meet.
- viii. At not time will internally illuminated architectural bands be allowed on a building façade which faces a residentially zoned property.
- ix. The reviewing body may allow an alternate approach to the width and placement of the internally illuminated architectural band or similar encased lighting accent if they find the alternate approach provides an aesthetic enhancement to the building without allowing an increase to the total linear feet of allowed lighting.



- c. Internally illuminated bands – windows and doors.
 - i. The reviewing body may approve internally illuminated architectural bands or similar encased lighting accents around a front building façade doors and windows, upon determining that such lighting accents would not cause off-site glare or light pollution.
 - ii. The front building façade must face a public right-of-way. For lots facing more than one public right-of-way, only one building façade may include internally illuminated architectural bands around the doors and windows.
 - iii. These internally illuminated bands may not exceed 2,000 lumens and must provide consistent lighting levels throughout the band.
 - iv. The band shall be no wider than 2-inches.
 - v. The total allowed length of internally illuminated band or similar encased lighting shall not exceed 30 linear feet.

D. Landscape Features and Green Belt Lighting

- 1. Landscape light luminaires fixtures, including ground lighting for signs, flag poles and statues, may include uplighting, which is specifically directed at the landscape or plant feature.
- 2. Shall be equipped with shields to help direct light to the landscape or plant feature and of shutters to help eliminate light spillover and glare.
- 3. Shall not exceed 175 watts per lamp 300 lumens per luminaire.
- 4. Shall not exceed a height of 18-inches above grade.

E. There shall be no lighting of a blinking, flashing, rotating or fluttering nature, including changes in light intensity, brightness or color except for public safety purposes. Beacon and/or search lights shall not be permitted except for public safety purposes. Temporary seasonal/holiday lighting is not prohibited by this subsection. **(moved to Prohibited and Exempt Sections)**

~~F. A site lighting plan for uses requiring Site Plan review shall be submitted and shall provide the following information: **(Moved to 54.90)**~~

- ~~1. Proposed location on premises of all outdoor light fixture(s).~~
- ~~2. Description of illumination devices, fixtures, lamps, supports, reflectors and other devices (e.g., fixture type, mounting height, wattage).~~
- ~~3. Photometric data of illumination cast on horizontal surfaces. Vertical photometric data may be required.~~

~~4. Illumination level data for all building, vertical architectural and landscaping lighting proposed.~~

~~1. For uses requiring Site Plan review, lighting shall be significantly reduced during non-operational building hours, allowing only lighting necessary for security purposes. The lighting plan submitted for review shall note where this distinction occurs. (Moved to General Standards)~~

E. Special Uses

1. Service station/fuel sales canopy structure

- a. Luminaires shall be recessed so that the lens cover is flush with the lower surface of the canopy and shielded by a fixture or the edge of the canopy so that light is directed downward.
- b. As an alternative, indirect lighting may be used where uplighting is reflected from the underside of the canopy. When this method is used, luminaires must be shielded so that direct light is focused exclusively on the underside of the canopy.
- c. Luminaires shall not be mounted on the top or sides (fascia) of a canopy.
- d. Internally illuminated signs in compliance with the Sign Ordinance may be placed on the fascia of the canopy.
- e. The total light output directly below the canopy shall not exceed 30 foot-candles.

2. Outdoor display areas

- a. The ratio of maximum to minimum foot-candles of light for a site which includes outdoor display may increase to 6:1 during hours of operation.

3. Outdoor dining areas

- a. Decorative unshielded lighting may be used in outdoor dining areas as long as the lighting does not exceed 1.5 foot-candles and is designed to control light spillover and reduce glare to adjacent properties.
- b. Lighting in outdoor dining areas must be extinguished by 11:00 pm or when the business closes, whichever is first.

54.70 INTERIOR LIGHTING

Where interior lighting and/or lighting displays are located adjacent ~~to~~ **within 10 feet of** a bay of windows, glass doors, or other transparent areas of a building facade, walls, or roof (e.g., skylights), the lighting shall be shielded or screened ~~such that~~ **to reduce visibility and prevent glare and intensity are not reasonably objectionable** to patrons, individuals on adjacent and nearby properties, and/or motorists on adjacent streets.

54.80 EXISTING LIGHTING

All lighting established prior to **this Ordinance** and existing on October 21, 1994, shall comply with, at minimum, the following: All lighting upon any premises, regardless of zoning classification, shall be so arranged as to avoid glare or direct illumination onto any portion of any adjacent highway rights-of-way or onto any adjacent premises.

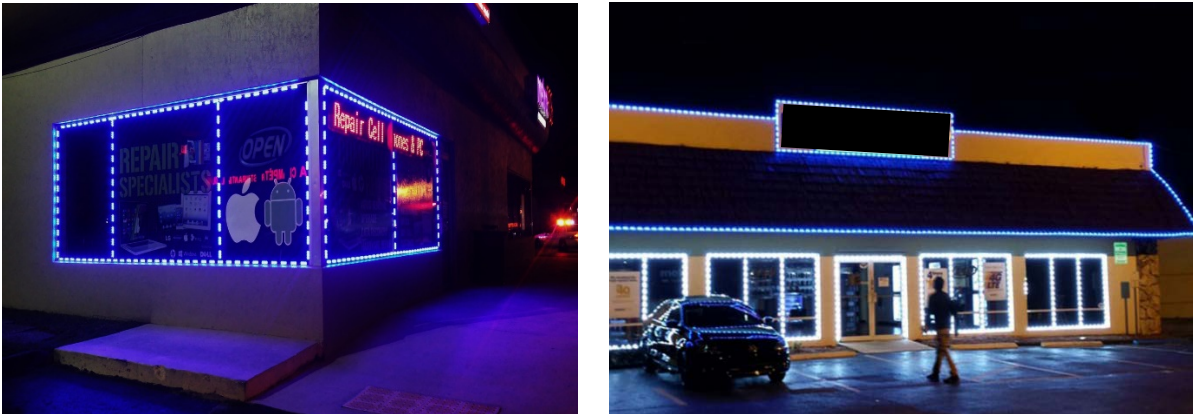
54.90 ADMINISTRATION

A site lighting plan for uses requiring Site Plan review shall be submitted and shall provide the following information:

- A. Proposed location on premises of all outdoor light fixture(s), including all building-mounted lighting, architectural lighting, and landscape lighting.
- B. Manufacturer specification sheets, cut-sheets, or other manufacturer provided information for all proposed luminaires that provides a description of the illumination devices, fixtures, lamps, supports, reflectors, and other devices, including lumens produced. (e.g., fixture type, mounting height, wattage).
- C. The height of all luminaires and poles.
- D. A photometric plan showing foot-candle readings every ten feet within the subject site and ten feet beyond the property lines. Photometric data of illumination cast on horizontal surfaces. Vertical photometric data may be required.
- E. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for any remote light fixture. Illumination level data for all building, vertical architectural and landscaping lighting proposed.

CEI RECOMMENDED CHANGES

- C. Fixtures that direct light upward, unless permitted by this Article.
- D. Roof mounted lighting.
- E. Lighting of an intensity or brightness that interferes with enjoyment, health, safety, and welfare of surrounding properties.
- F. Unshielded luminous tube, LED, incandescent, or fluorescent lighting as an architectural detail on the exterior of any structure or the interior of any windows; including but not limited to rooflines, cornices, eaves, windows, and door openings.



(Examples of unshielded tube lighting)

54.60 **OUTDOOR LIGHTING STANDARDS**

All outdoor lighting upon any premises, regardless of zoning classification, shall be subject to the following conditions and limitations:

A. General Provisions

1. All luminaires are required to be cut-off fixtures, unless otherwise permitted in this Article.
2. Security or flood lighting shall be attached to buildings and controlled by motion sensors, which extinguish within 10 minutes of activation.
3. Lighting plans shall be designed to direct light into the development and away from adjacent property.
4. Site and area lighting of nonresidential properties shall be designed such that light levels do not exceed 0.1 foot-candles at any point along the perimeter of the property adjacent to residential zoning or uses and 1.0 foot-candles adjacent to all other zoning and uses.
0.5 foot-candle
5. To provide for uniformity of lighting, the ratio of maximum to minimum levels of light within the illuminated areas of a nonresidential property shall not exceed 4:1. Exception shall be made for
(See attached Spreadsheet)

those areas along the perimeter of the property where a significant reduction in lighting is expected in order to comply with the provisions of the subsection above.

6. For uses requiring Site Plan review, Lighting shall be significantly reduced during non-operational building hours, allowing only lighting necessary for security purposes. **Lighting installations should include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting that affects urban sky glow.** The lighting plan submitted for review shall note ~~where this distinction occurs~~ **when and how this reduction in lighting will occur.**

A. ~~Site and area lighting shall be designed such that light levels do not exceed 0.1 foot-candles at any point along the perimeter of the property. In the instance of a commercial or industrial use of a property with both nonresidential and a higher underlying zoning where said higher zoning would not otherwise allow said use, the 0.1 foot-candle limit shall be required at the line where the nonresidential zoning changes to the higher zoning.~~ **(Moved to General Provisions)**

B. ~~To provide for uniformity of lighting, the ratio of maximum to minimum levels of light within the illuminated areas of a nonresidential property shall not exceed 4:1. Exception shall be made for those areas along the perimeter of the property where a significant reduction in lighting is expected in order to comply with the provisions of subsection (a) above.~~ **(Moved to General Provisions)**

B. Pole-Mounted Lighting fixtures used for site and area lighting shall be subject to the following design guidelines:

1. All pole-mounted lighting luminaires shall be affixed horizontally and angled perpendicular **parallel** to the ground. **"Fixture Mounting Height should be measured from grade to bottom of the light source"**
2. **No more than two luminaires shall be allowed per pole.** **In some cases up to 4 luminaires should be allowed ??**
3. Pole-mounted lighting with a **Pole height of 15 feet or less** shall not exceed ~~175 watts~~ **12,000 lumens per lamp luminaire and shall be spaced a minimum of 30 feet apart.** and the fixture shall be cut-off design regardless of lamp type. Typical residential light fixtures on residential properties, not to include flood lights or security lights, are exempt from the cut-off requirement when mounted at a height of eight feet or less.
4. Pole-mounted lighting with a **Pole height of greater than 15 feet and not exceeding 25 feet** in height shall be a down-type, mounted horizontally and angled perpendicular to the ground (Illuminating Engineering Society of North America, "IES," sharp cut-off). Such lighting shall not exceed ~~400 watts~~ **20,000 lumens per lamp luminaire and shall be spaced a minimum of 40 feet apart.**
5. Pole-mounted lighting with a **Pole height exceeding 25 feet** shall be a down-type, mounted horizontally and angled perpendicular to the ground (IES sharp cut-off) and shall be subject to Township approval **by the reviewing body.** The applicant must prove, to the reviewing body's satisfaction, that pole heights exceeding 25 feet are needed to ensure public health, safety, and welfare. If permitted, such lighting shall not exceed ~~400 watts~~ **40,000 lumens per lamp luminaire and shall be spaced a minimum of 50 feet apart.**

See Attached Spreadsheet

Should specify the mounting height of the actual fixture on the pole, if you just say the max pole height someone could put a 15 ft pole on a 4ft base and then the fixture could be at 19ft.

6. Pole-mounted lighting located adjacent to residentially zoned or used property shall place poles no closer than twice the mounting height of the luminaire.
Would it be possible to change this to "No less than 10ft from property line and max. height of 15ft"

7. Public street lighting shall be reviewed by the township for compliance with the intent of Section[s] ~~78.700 – 78.720~~ and shall be in character with the lighting called for in numbers [subsections] (1), (2) and (3) above.

C. Building-Mounted Lighting

1. Pedestrian walkways and doorways

- a. Except as provided in Section 54.20.E, building-mounted lighting shall be full cut-off fixtures and shall not exceed 175 watts per lamp regardless of lamp type and shall not exceed a 20-foot mounting height. Shall not exceed 14-feet in height.

- b. Each luminaire shall not exceed 8,000 lumens and shall be spaced so the lighting for pedestrian walkways and entrances does not exceed 2.0 foot-candles.

c. Might be a good spot to include: Entry Canopies, "10 foot candles, 4:1 Ratio"

2. Fixtures Luminaires used for the sole purpose of illuminating a building façade:

- a. May be up to 1.5 foot-candles averaged over the building façade. ~~400 watts per lamp and~~
- b. May be located on the building or be ground-mounted.
- c. Light generated from said fixtures shall be appropriately shielded with louvers so that no light is emitted beyond the building façade.

~~No more than 25 percent of a building wall may be illuminated.~~

~~The illumination of building exteriors shall not exceed the recommended foot-candle levels set forth by the IES, not to exceed 20 foot-candles.~~

~~Building-mounted fixtures, in this instance, shall be full cut-off and mounted so as to direct light down; fixtures that direct light upward are not permitted.~~

3. Architectural lighting

- a. The use of architectural features on the building, such as a canopy, which prevent the projection of light beyond the architectural feature may satisfy the intent of this Section and allow the use of non-full cut-off fixtures, subject to the approval of the reviewing body Planning Director or designee. Typical residential light fixtures on residential buildings and associated accessory buildings, not to include flood lights or security lights, are exempt from the full cut-off requirement when mounted at a height of eight feet or less.

b. Internally illuminated bands – building façade.

- i. The reviewing body may approve the use of an internally illuminated architectural band or similar encased lighting accent on the façade of a building upon determining that such lighting accent would not cause off-site glare or light pollution.

- a. Luminaires shall be recessed so that the lens cover is flush with the lower surface of the canopy and shielded by a fixture or the edge of the canopy so that light is directed downward.
 - b. As an alternative, indirect lighting may be used where uplighting is reflected from the underside of the canopy. When this method is used, luminaires must be shielded so that direct light is focused exclusively on the underside of the canopy.
 - c. Luminaires shall not be mounted on the top or sides (fascia) of a canopy.
 - d. Internally illuminated signs in compliance with the Sign Ordinance may be placed on the fascia of the canopy.
 - e. The total light output directly below the canopy shall not exceed 40 foot-candles.
40 foot-candles seems to be a little excessive , 30 would be more appropriate?
2. Outdoor display areas
- a. The ratio of maximum to minimum foot-candles of light for a site which includes outdoor display may increase to 6:1 during hours of operation.
3. Outdoor dining areas
- a. Decorative unshielded lighting may be used in outdoor dining areas as long as the lighting does not exceed 1.5 foot-candles and is designed to control light spillover and reduce glare to adjacent properties.
 - b. Lighting in outdoor dining areas must be extinguished by 11:00 pm or when the business closes, whichever is first.

54.70 INTERIOR LIGHTING

Where interior lighting and/or lighting displays are located adjacent ~~within 10 feet of~~ to a bay of windows, glass doors, or other transparent areas of a building facade, walls, or roof (e.g., skylights), the lighting shall be shielded or screened ~~such that~~ to reduce visibility and prevent glare and intensity are not reasonably objectionable to patrons, individuals on adjacent and nearby properties, and/or motorists on adjacent streets.

54.80 EXISTING LIGHTING

All lighting established prior to ~~this Ordinance~~ and existing on ~~October 21, 1994~~, shall comply with, at minimum, the following: All lighting upon any premises, regardless of zoning classification, shall be so arranged as to avoid glare or direct illumination onto any portion of any adjacent ~~highway~~ rights-of-way or onto any adjacent premises.

Pole Height	Distance	Max. Lumens Per Luminaires	Number of Luminaries
15 foot or Less	20-30 feet Apart	12,000	No More than 2 Luminaires per Pole
15-25 feet	20-30 feet Apart	20,000	No More than 2 Luminaires per Pole
Greater Than 25 feet	40-50 feet Apart	40,000	No More than 4 Luminaires per Pole

** 4 Luminaries with township approval
 **Would require Township Approval

Parking Lot Foot Candles	Standard (Note 1)	Enhanced Security (Note 2)
Min. FC Measure to Grade (Note 3)	0.2 FC	0.5 FC
Max. FC Measured to Grade (Note 3)	4.0 FC	7.5 FC
Uniformity Ratio Min/Max (Note 4)	20:1	15:1
Min. FC Measured at 5 feet above Grade	0.1 FC	0.25 FC

Note: 1 Typical Conditions, Turn off during Non-Use.

Note: 2 May be increased for personal security, Etc. (Requires Township Approval).

Note: 3 Measured on parking lot surface.

Note 4: Highest measured divided by lowest should not be greater than value shown.

Additional Notes Should be Considered

Color Rendering Index (CRI)

Min. of 65 CRI

Kelvin Rating (warm/cool)

4000k-5000k

This would help control the different light color that you sometime see (aka, those ugly yellow sodium fixtures)