

ARTICLE 3.0 GENERAL PROVISIONS

Section 3.01 Building Regulations.

No structure or part thereof shall be erected, constructed, used, reconstructed, altered or maintained, and no lot or land or part thereof shall be used or maintained and no new use made of any structure or land or part thereof, except in conformity with this Ordinance.

1. **Unlawful structure.** In case any structure or part thereof is used, erected, occupied or altered contrary to law or the provisions of this Ordinance, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means; and shall not be used or occupied until it has been made to conform to this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.
2. **Temporary structure.** No temporary dwelling, temporary construction structure or other temporary structure in any zoning district shall be erected unless a building permit has been issued for a permanent building on the same site. Any temporary structure shall be removed from the site within 30 calendar days of issuance of a certificate of occupancy. Failure to remove the structure shall constitute a violation of this Ordinance.
3. **Relocated structure.** Any structure that is moved shall be considered a new structure for purposes of this Ordinance.
4. **Portable structure.** Portable structures, such as a trailer or similar structure designed and used for hauling or storing inventory, merchandise or equipment, and not designed to be permanent, shall not be located on any premises for more than 15 days in a calendar year, unless permitted as a temporary construction structure per this Section. Where permitted, portable structures shall be located in full conformance with the setback, dimensional and design requirements of this Ordinance.

Section 3.02 Completion Of Construction.

Nothing in this Ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance or amendment thereto.

Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and not be of effect 365 calendar days following the effective date of adoption or amendment of this Ordinance, unless a permit for the actual construction of a new building has been issued.

Where a building permit has been issued in accordance with the law within 365 calendar days of such effective date and diligently pursued to completion, said structure may be completed in

accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed, subject to the applicable provisions of Article 21.0 (Nonconformities).

Any basement, cellar, garage, or any incomplete structure without any occupancy permit in use as a dwelling on the effective date of adoption or amendment of this Ordinance shall not be used as a dwelling for more than 365 calendar days following said date, unless said structure has been completed in conformance with the regulations of the district in which it is located.

Section 3.03 Dumping and Filling of Land.

Filling or depositing of earth material, topsoil, gravel, rock or like materials on land in the Township shall be prohibited in all zoning districts, except in accordance with this Section and Ordinance and an approved final site plan for development of the site. The use of land for filling, depositing or temporary or permanent storage, accumulation or disposal of garbage, construction debris, scrap, junk, refuse, ash, slag, human waste or other wastes or by-products shall be prohibited, except in accordance with applicable Township ordinances.

1. The extensive dumping of any soil, clay, gravel or like materials on any lot or parcel of land in the Township shall be prohibited without Planning Commission approval of a site plan per Article 17.0 (Site Plan Review) for all proposed fill and land balancing activities.
2. This Section shall not apply to common household gardening, farming, general ground care of a residential or agricultural character, and normal soil changes for basement or foundation construction.

Section 3.04 Ponds, Excavations, and Holes.

The excavation and establishment of private ponds, excavations, and holes in any zoning district shall be subject to the following:

A. Ponds.

The excavation and establishment of private ponds shall be subject to the following:

1. No private pond shall be constructed on a lot less than five (5) acres in area, or within 100 feet of a public or private road right-of-way or within 100 feet of an adjoining lot line.
2. It shall be the responsibility of the property owner to provide safeguards to maintain safe conditions for use of a private pond. Such safeguards may include fencing or construction of pond side slopes of not more than one (1) foot of vertical fall for each six (6) feet of horizontal run until the pond reaches a depth of seven (7) feet at the low water mark on all sides of the pond.
3. Excavated materials shall be contoured or used to create naturalized landforms or berms with a side slopes no steeper than one (1) foot vertical to three (3) feet horizontal (1:3 ratio). All excavated material shall be suitably graded and seeded or otherwise covered with grass or other groundcover to prevent erosion and to visually incorporate the excavated materials into the landscape.

4. A zoning permit shall be required for the construction or enlargement of all private ponds per Section 2.03 (Zoning Permits). Site plan approval shall be required for any pond in which excavated materials in excess of 1,000 cubic yards are to be hauled off-site, per Article 17.0 (Site Plan Review).
 - a. The applicant shall provide documentation to the Township to show that the proposed pond location and excavation will not impact regulated wetlands, groundwater resources, existing drainage patterns and surface water flow from the site, or adjacent watercourses.
 - b. Prior to issuance of a zoning permit, the applicant shall be required to post a performance guarantee, per Section 2.07C (Performance Guarantees), to ensure restoration of disturbed areas.
5. This Section shall not apply to natural watercourses, ditches, county drains or other major bodies of water created or existing by authority of the Township or any outside agency with jurisdiction.

B. Excavations and Holes.

The construction, maintenance or existence within the Township of any unprotected, un-barricaded, open or dangerous excavations, holes, pits or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, shall be prohibited in the Township. This Section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Zoning Administrator.

Section 3.05 Grade.

Any structure requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building, subject to the following:

1. Grade elevations shall be determined by using the elevation at the centerline of the road in front of the lot as the established grade, or such grade determined by the Township Engineer or Building Inspector.
2. The following requirements shall apply to any newly graded area or portion of a lot where the grade has been modified within 50 feet of any side or rear lot boundary and within 75 feet of any road right-of-way:
 - a. Maximum height of grade shall not exceed 18 inches above the centerline of the road, except for grades determined by the Bay County Environmental Health Division for septic fields.
 - b. The maximum slope shall not exceed twenty-five percent (25%).
3. On all other areas of the lot, the maximum height of any newly graded area or portion of a lot where the grade has been modified shall not exceed 36 inches above the centerline of the road, except for grades determined by the Bay County Environmental Health Division for septic fields.

4. Yards shall be graded to prevent ponding of surface water, and to not increase the natural flow or runoff of surface water on to adjacent lots or road rights-of-way. The applicant shall provide documentation to the Township to show that proposed grade changes will not impact existing drainage patterns in the area or cause ponding of surface water on adjacent lots or road rights-of-way.
5. Grades for structures shall comply with the standards on the "Grade Guidelines" form, which must be signed by all applicants for zoning permit approval per Section 2.03 (Zoning Permits).

Section 3.06 Fences and Walls.

As used in this Section, the term "fence" shall include "wall." Fences, walls, and similar types of enclosures in all zoning districts shall be subject to the following:

A. Approval Required.

It shall be unlawful for any person to construct or cause to be constructed a fence in the Township without having first obtained all necessary permits or approvals, as follows:

1. Construction, alteration or relocation of fences accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES shall be subject to approval per Article 17.0 (Site Plan Review).
2. Construction, alteration or relocation of fences accessory to RESIDENTIAL USES and exceeding ten (10) feet in length shall be subject to approval per Section 2.03 (Zoning Permits).
3. The standards of this Section shall not apply to fences accessory to RURAL USES on recorded lots having a lot area in excess of ten (10) acres.

B. General Standards.

The following shall apply to fences in all zoning districts:

1. Fences shall comply with the unobstructed sight distance standards of Section 5.208 (Corner Clearance Areas).
2. Where one side of a fence has a more finished appearance, the side with the more finished appearance shall face the road or adjacent lots (see illustration).
3. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin.
4. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
 - a. Barbed or electric wire fences shall be permitted accessory to permitted RURAL USES, public utility facilities, and essential service uses.
 - b. The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.

C. Location and Height.

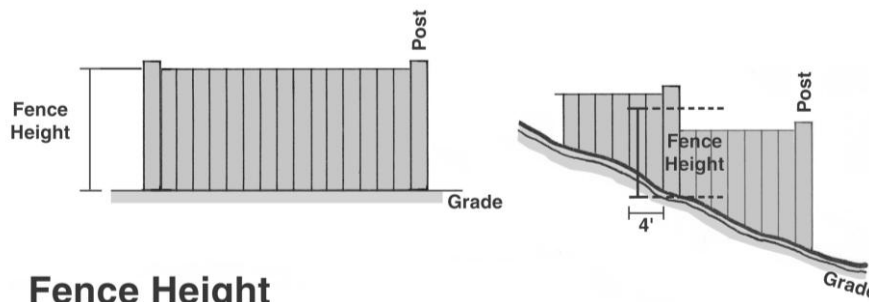
Fence height shall be measured from ground level adjacent to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

1. In any zoning district, fences in any front yard area between the front building line and the road right-of-way shall not exceed four (4) feet in height.
2. In any zoning district, fences in a side or rear yard shall not exceed six (6) feet in height, except where otherwise permitted for specific non-residential land uses per Articles 11.0 and 12.0 (Use Standards...). Such fences shall not extend toward the front of the lot nearer than the front of the principal building or the required minimum front yard setback, whichever is greater.
3. Non-farm fences shall be set back a minimum of three (3) feet from any unfenced field associated with an active agricultural operation in the AG (Agricultural) District.

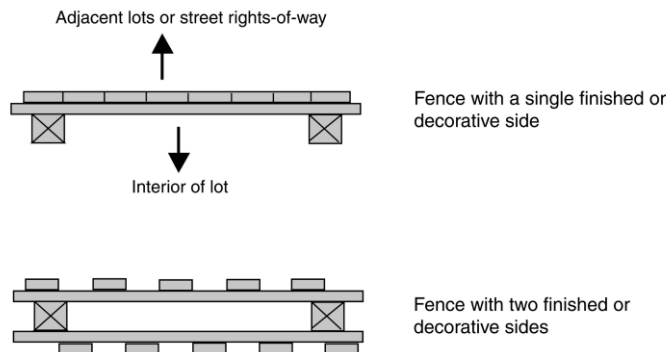
D. Fence and Wall Maintenance.

Fences shall be maintained in good condition to not endanger life or property. Such maintenance shall be the responsibility of the property owner. Damaged or missing components shall be replaced or repaired, and exposed surfaces shall be painted, stained or similarly treated. Any fence determined by the Zoning Administrator to be a nuisance due to lack of maintenance or otherwise shall be removed or repaired by the owner within 30 days after receipt of a notice from the Zoning Administrator.

ILLUSTRATIONS



Fence Height



Orientation of Finished Side - Top View

Section 3.07 Accessory Structures.

The following shall apply to all new accessory structures in the Township, and to alterations, renovations, expansions or other work that includes exterior changes to existing structures:

A. Approval Required.

It shall be unlawful for any person to construct or cause to be constructed any accessory structure upon any lot without having first obtained all necessary permits or approvals.

1. Construction, alteration or relocation of structures accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES and exceeding 120 square feet in floor area shall be subject to approval per Article 17.0 (Site Plan Review).
2. Construction, alteration or relocation of structures accessory to RESIDENTIAL USES and exceeding 100 square feet in floor area shall be subject to approval per Section 2.03 (Zoning Permits).
3. Construction, alteration or relocation of structures accessory to RURAL USES, except agricultural structures governed by the Right to Farm Act, shall be subject to approval per Section 2.03 (Zoning Permits).

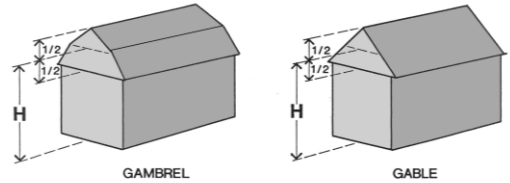
B. General Standards.

All accessory structures, including agricultural accessory structures governed by the Right to Farm Act, shall conform to the applicable requirements of this Section and Article 5.0 (Schedule of Regulations), and the following:

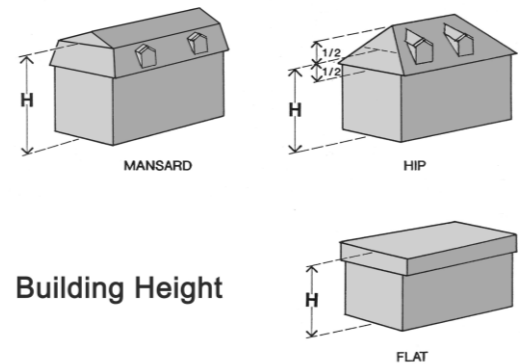
1. An accessory structure that is connected to a principal building shall be considered a part of and subject to the same yard setback requirements as the principal building.
 - a. Accessory structures shall be considered as attached to a principal building when the distance between the structures is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device.
 - b. No such connecting structure shall exceed fourteen (14) feet in length.
2. Detached accessory structures shall not be located any closer than ten (10) feet to any other principal building or accessory structure, except as otherwise provided for in Section 3.07E (Residential Accessory Structures).
3. Accessory structures shall not be constructed unless adequate facilities are provided to prevent stormwater drainage from flowing onto adjoining lots.
4. Accessory structures in any district shall only be used for permitted uses or activities customarily incidental to the permitted principal use(s) in the district.
5. No accessory structure shall be constructed prior to construction of the principal building on the same lot, except in as follows:

- a. For principal permitted uses that do not require structures, an accessory structure may be constructed following Township approval of the principal use.
- b. For new single-family dwellings, a permanent accessory structure may be constructed first to secure construction tools or materials after issuance of the building permit for the dwelling and after installation, inspection, and approval of the dwelling foundation.

6. Accessory structures shall not be located within a dedicated easement or right-of-way.



7. Except as provided for in Section 3.07I (Other Accessory Structures), accessory structure height shall be measured as the vertical distance from the lowest grade of the structure to the top of a flat roof, deck line of a mansard roof; and mean height level (between eaves and ridges) of a gable, hip or gambrel roof.



Building Height

C. Agricultural Accessory Structures.

Structures accessory to active farm operations in the AG (Agricultural) zoning district shall conform to the minimum required side and rear yard setbacks for the zoning district. Agricultural accessory structures may be located in front of the front building line of any principal building on the lot, provided that such structures shall not be located within the required front yard setback area.

D. Former Agricultural Accessory Structures.

The intent of this subsection is to allow re-use of former agricultural structures as a residential accessory structure, subject to the following requirements:

- 1. The new use of such structures shall be limited to storage of household items, recreational equipment, and similar items typically kept by a householder on residential property.
- 2. The availability of such structures must result from their separation from land that is part of an active farm operation.
- 3. The former agricultural structure is at least ten (10) years old.
- 4. The structure conforms to the dimensional standards of Article 5.0 (Schedule of Regulations) that apply to a single-family dwelling in the zoning district.
- 5. The lot and any associated land division conform to applicable provisions of the Land Division Act, this Ordinance, and the Township’s land division regulations.
- 6. The aggregate square footage of all such structures shall not exceed ten percent (10%) of the total square footage of the lot upon which they are located.

7. The structure shall not be expanded or enlarged in area, volume or height; and shall not be structurally altered or repaired in any way where the cost would exceed fifty percent (50%) of the true cash value of the structure, as determined by the Township Assessor. The structure may be relocated within the lot to conform to the dimensional standards of the zoning district.
8. The re-use shall be subject to approval per Section 2.03 (Zoning Permits).
9. If the cost to alter or repair such a structure to accommodate re-use would exceed fifty percent (50%) of the true cash value of the structure as determined by the Township Assessor, the application for re-use shall be denied.
 - a. The Township Board of Trustees may order the removal of a former agriculture accessory structure for which re-use has been denied, after recommendation from the Zoning Administrator. Any demolition costs incurred by the Township shall become a lien on the lot, which can be collected in any manner allowed by law and, if not paid, may be placed on the tax roll and collected the same as other taxes.

E. Residential Accessory Structures.

The following additional standards shall apply to all detached accessory structures accessory to RESIDENTIAL USES or located in a residential zoning district:

1. Detached accessory structures shall not be occupied for dwelling purposes.
2. A detached accessory structure in a residential zoning district shall not exceed one (1) story or 14 feet in height. All doors on such structures shall not exceed 12 feet in height as measured from grade.
3. A detached accessory structure accessory to RESIDENTIAL USES in the AG (Agricultural) and RF (Rural Small Farm) zoning districts on a lot one (1) acre or larger in lot area shall not exceed 18 feet in height. All doors on such structures shall not exceed 14 feet in height as measured from grade.
4. Such accessory structures may be located in any required or non-required side or rear yard, subject to the following:
 - a. Sheds not exceeding 100 square feet in floor area shall be set back a minimum of three (3) feet from all lot boundaries. All other residential accessory structures shall be set back a minimum of ten (10) feet from all lot boundaries.
 - b. Such accessory structures shall not occupy more than twenty-five percent (25%) of the required rear yard area, and not more than forty percent (40%) of the total rear yard area.
 - c. A detached accessory structure in a residential zoning district shall not exceed, in total floor area, the ground floor area of the principal building and attached garage on that lot.
 - d. A detached accessory structure accessory to RESIDENTIAL USES in the AG (Agricultural) and RF (Rural Small Farm) zoning districts may exceed the

ground floor area of the principal building and attached garage, subject to the following:

- (1) The lot has a minimum lot area of one (1) acre.
 - (2) The ground floor area of all accessory structures on the lot shall be limited to a maximum of ten percent (10%) of the total lot area or 2,400 square feet, whichever is less.
 - (3) Such accessory structures shall meet all setbacks as required for the principal building in the zoning district.
5. A maximum of one (1) private garage shall be permitted per principal dwelling in the Residential Districts.

F. Carports and Vehicle Shelters.

The following additional standards shall apply to carports and vehicle shelters, including structures that are temporary in design or purpose:

1. Carports and vehicle shelters shall conform to all requirements of this Ordinance that apply to accessory structures. Carports and vehicle shelters constructed as permanent structures shall also conform to State Construction Code requirements.
2. Carports and vehicle shelters that are temporary in design or purpose shall be anchored and secured against high winds and severe storms, and shall not be electrified or climate-controlled.

G. School Bus Stop Shelter.

One (1) detached accessory structure of up to 50 square feet in area and ten (10) feet in height shall be permitted within the required front yard for the purposes of providing temporary shelter at a school bus stop, provided that the structure is set back at least ten (10) feet from the side lot boundary and outside of the road right-of-way.

H. Private Swimming Pools.

Temporary or permanent outdoor swimming pools with a diameter exceeding twelve (12) feet, a depth exceeding two (2) feet or a surface area exceeding 100 square feet shall conform to the requirements of this Section and the following:

1. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured in accordance with the requirements of the State Construction Code.
2. Swimming pools, spas, hot tubs, and associated structures shall be located only in the rear yard, and shall be set back a minimum of four (4) feet from any building on the lot, ten (10) feet from any lot boundary line, and outside of any required side yard setback area and public utility easement.

I. Other Accessory Structures.

A proposed accessory structure or re-use of a former agricultural accessory structure that exceeds the limitations of this Section may be considered as a special use subject to Section 18.05 (Standards for Special Use Approval) and compliance with the following:

1. Such structures shall be located outside of all required yard setback areas, and shall further be set back a minimum distance from all lot boundaries and road rights-of-way equal to the structure height as measured vertically from the lowest grade level to the highest roof peak.
2. Such structures shall not exceed the maximum permitted height for principal buildings in the zoning district per Article 5.0 (Schedule of Regulations).
3. The Planning Commissioners may require screening of the structure from abutting lots and road rights-of-way per Section 16.10D (Methods of Screening), and may impose additional conditions consistent with Section 18.04 (Conditions of Approval) to ensure that a proposed accessory structure will conform to the standards of this Section and be harmonious with the neighborhood and compatible with adjacent land uses.

Section 3.08 Occupied Spaces.

Outside stairs, fire escapes, porches, balconies, and other projections shall be considered part of the building, subject to the requirements of Article 5.0 (Schedule of Regulations).

Section 3.09 Essential Services.

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the Township. Such essential services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning district. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state law or other ordinances.

Section 3.10 Qualified Space.

No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations for the district in which the building is located. No portion of a lot used in complying with the dimensional requirements of this Ordinance, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Section 3.11 Property Maintenance.

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

Section 3.12 Property Between the Lot Line and Road.

The area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

Section 3.13 Voting Place.

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

Section 3.14 Approval of Plats.

All plats for new subdivisions shall conform to the standards of this Ordinance, the Township's subdivision regulations, other Township ordinances, and all applicable state statutes.

Sections 3.15 – 3.20 Reserved.

Section 3.21 Sidewalks.

Where designated by the master transportation plans of the Township, or county or state road authorities with jurisdiction, sidewalks and other paved pedestrian paths shall be provided within and around the perimeter of any land subject to development approval under this Ordinance or other Township ordinances, subject to the following:

1. Path design, paving, and base materials shall conform to applicable engineering standards of the Township, or county or state road authorities with jurisdiction consistent with the anticipated usage, purpose, and location.
2. Road rights-of-way within a new development shall be of sufficient width to provide for sidewalks on both sides of all internal public and private roads.
3. Extensions of existing sidewalks and pedestrian paths shall be provided into the new development, along with logical connections to existing sidewalks and pedestrian paths on abutting parcels, and across road rights-of-way by crosswalks and barrier-free access ramps.
4. Concrete sidewalks and barrier-free ramps shall be provided from all new multiple-family and non-residential building entrances to adjacent parking areas, existing or planned public sidewalks and pedestrian paths, and recreation areas.
5. The Planning Commission may waive the requirements of this Section upon determination that such work would not serve the purpose of providing adequate pedestrian access and circulation.

Section 3.22 Exterior Lighting.

The purpose of this Section is to promote the preservation of dark skies over the Township, and to preserve the lawful nighttime use and enjoyment of land in the Township through the establishment and enforcement of reasonable and consistent exterior lighting standards. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass; conserve energy; and prevent degradation of the nighttime visual environment. The standards of this Section are intended to protect the general welfare by allowing sufficient but not excessive lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas; minimize the adverse effects of inappropriate lighting; and provide for the safety and security of people and property in the Township.

A. Scope.

The standards of this Section shall apply to all exterior lighting sources; all light sources visible from any road right-of-way or adjacent lot; and all projects subject to site plan review per Article 17.0 (Site Plan Review), condominium development approval per Article 19.0 (Condominium Regulations), and administrative approval per Section 2.03 (Zoning Permits). The standards of this Section shall also apply to all high intensity and security lighting for RURAL USES and single- and two-family (duplex) dwellings. This Section shall not apply in the following limited circumstances:

1. Incidental decorative light fixtures and low profile exterior lighting for RURAL USES and single- and two-family dwellings, such as porchlights and low voltage landscape lighting, shall be exempt from requirements of this Section.
2. Holiday decorations illuminated for temporary periods not to exceed 90 calendar days shall be exempt from the requirements of this Section.
3. This Section shall not apply to shielded pedestrian walkway lighting and shielded lighting of flags of the United States of America or State of Michigan.
4. This Section shall not apply to circumstances where federal or state laws take precedence, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations.

B. General Provisions.

The following general standards shall apply to all light sources regulated by this Section:

1. **Fully-shielded.** Exterior lighting shall be fully shielded, using concealed source fixtures directed downward and away from adjacent lots and road rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution (see illustration).
2. **Glare and light trespass.** Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on neighboring lots, and traffic hazards for motorists.
3. **Intensity.** The maximum intensity of light within any site shall not exceed:

Light Intensity	Maximum (footcandles)
At any point within the site	10.0
At any lot boundary or road right-of-way line	0.2

4. **Lamp wattage and energy efficient technologies.** Lamp wattages shall be consistent with the fixture's style and function. The use of light emitting diode (LED) and other more energy efficient lighting technologies shall be encouraged, provided that light intensity levels shall conform to all requirements of this Section. Fixtures in parking lots and high traffic areas using low or high-pressure sodium, metal halide or similar lamp types shall be limited to a maximum lamp wattage of 250 watts per fixture up to 20 feet in height above grade. A maximum of 400 watts per fixture shall be permitted for fixtures exceeding 20 feet in height above grade.

5. **Alterations of approved exterior lighting.** Exterior light sources and fixtures regulated by this Section shall not be altered or replaced after approval has been granted, except where the Township Planner or Zoning Administrator has verified that the change conforms to the requirements of this Section.
6. **Prohibited lighting.** Exterior lighting sources and fixtures regulated by this Ordinance shall not be of a flashing, moving, animated or intermittent type.

C. Rural and Residential Exterior Lighting.

A zoning permit shall not be required to install high intensity and security lighting for RURAL USES and single- and two-family dwellings. Such exterior light sources shall conform to the standards of this Section, including that such fixtures shall be fully shielded to prevent off-site glare and minimize light pollution. Homeowners are encouraged to confirm compliance with this Section before installing high intensity and security lighting. New or altered rural or residential exterior lighting that does not conform to the standards of this Section shall be deemed a violation of this Ordinance.

D. Standards by Type of Fixture.

The following additional standards shall apply to specific types of exterior light fixtures, in addition to the provisions of Section 3.22B (General Standards):

1. **Freestanding pole lighting.** The maximum height of all freestanding, pole-mounted fixtures shall be directly proportional to the fixture’s proximity to the boundary of a lot or parcel in a residential zoning district or occupied by any RURAL USES or RESIDENTIAL USES, as follows:

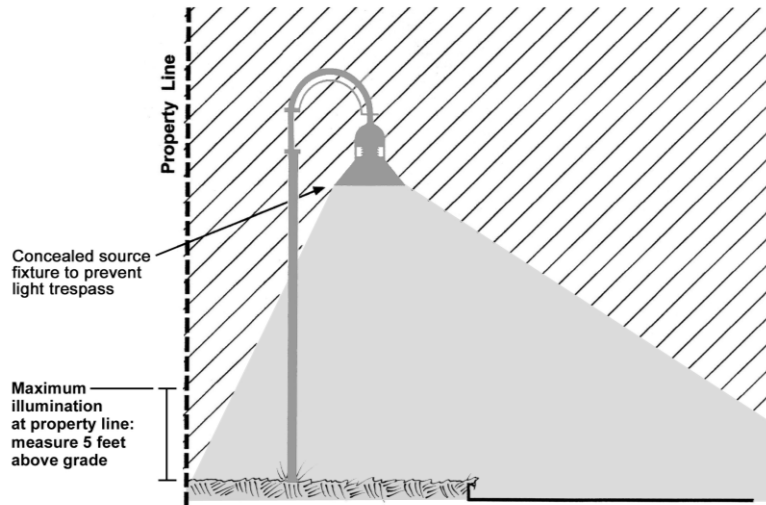
Fixture Location	Maximum Fixture Height
Less than 50 feet	15 feet
50 feet to 300 feet	20 feet
More than 300 feet	25 feet

2. **Architectural lighting.** Exterior illumination of building facades shall be limited to fully shielded fixtures directed towards the facade. All light from such fixtures shall be concentrated on the wall surface. Unshielded luminous tube (neon) or fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to cornices, windows, and doorways.
3. **Window lighting.** For all non-residential land uses, interior light fixtures visible through a window from a road right-of-way or abutting lot shall be shielded to prevent glare impacts at the lot boundary or within the right-of-way. Unshielded luminous tube (neon) and fluorescent light fixtures shall be prohibited where the light source would be visible from an abutting lot or road right-of-way.
4. **Decorative lighting.** For all non-residential land uses, decorative light fixtures shall be permitted as an alternative to fully shielded fixtures where such fixtures would enhance the aesthetics of the site without causing off-site glare or light trespass, as determined by the Zoning Administrator or Planning Commission.

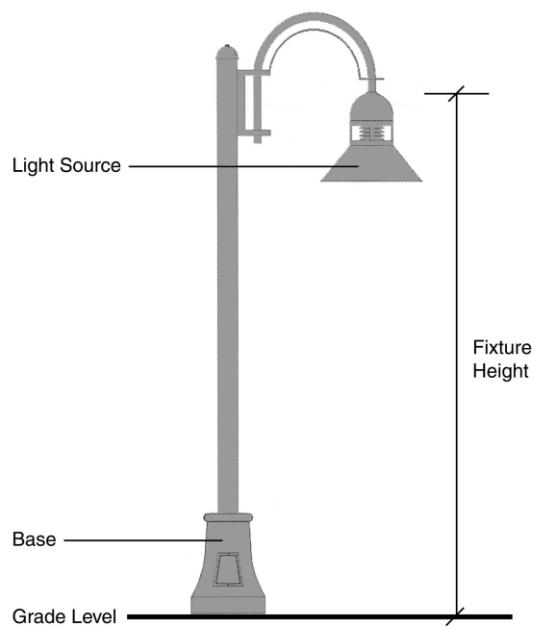
E. Measurements.

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

ILLUSTRATIONS



Lighting Fixture Orientation and Shielding



Light Fixture Height