



## City of Rochester

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### PLANNING COMMISSION

# NOTICE OF PUBLIC HEARING

400 Sixth Street

March 6, 2023

7:00 pm

**NOTICE IS HEREBY GIVEN THAT THE ROCHESTER PLANNING COMMISSION** will hold a Public Hearing for comments regarding the following Zoning Ordinance. The Public Hearing shall take place on **March 6, 2023, at 7:00 p.m.** at the Rochester Municipal Offices, 400 Sixth Street, Rochester, MI 48307. Via Zoom and can be joined at <https://us02web.zoom.us/j/83810261637>

For those who prefer to use a telephone to participate, you will need to call (646) 558-8656 and enter **meeting ID: 838 1026 1637**. When prompted, enter a participant number, or just touch the # key. During the call, use \*9 to raise hand and you will be "called on" by the last 3-digits of your phone number. (For example, my last digits are 829. Callers will be asked to speak by referencing the last 3-digits of their phone number.) Note: Telephone participants will have their phone numbers masked, to protect their privacy.

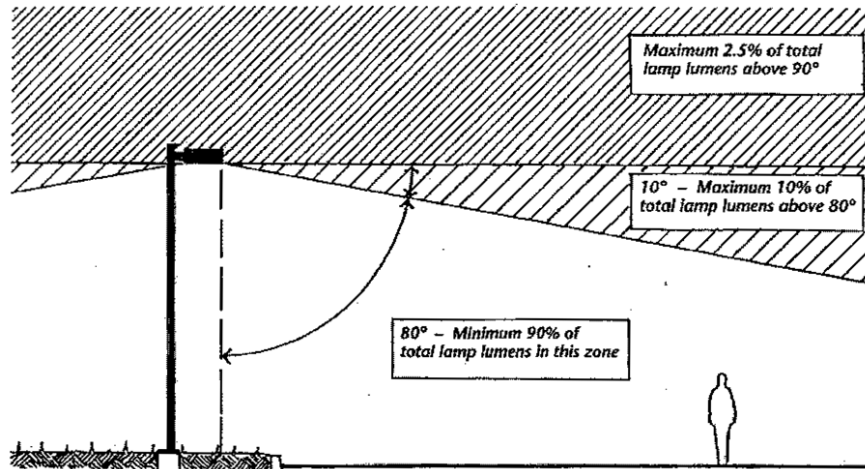
**AN ORDINANCE TO AMEND ARTICLE 23 – ARTICLE 23. – PERFORMANCE STANDARDS, SEC. 2806, LIGHT AND ILLUMINATION, OF THE ZONING CODE OF THE CITY OF ROCHESTER TO CONSIDER LANGUAGE REGARDING LIGHTING RESTRICTIONS FOR RESIDENTIAL USES.**

#### **Sec. 2306. Light and illumination.**

It is the intent of this section to regulate exterior lighting for such things as parking lots, buildings, and signs in a manner that establishes appropriate minimum levels of illumination, prevents unnecessary glare for drivers on adjacent thoroughfares, reduces spill-over onto adjacent residential properties and reduces unnecessary transmission of light into the night sky. The requirements of this section are not intended to apply to the city's "hook and bell" fixtures on Main Street nor to the city's historic-style acorn fixture, including the use of the approved acorn fixture on private property.

- (1) *General requirements for exterior lighting in the CBD, B-1, O-1 and O-2 districts.* Exterior lighting shall be designed to minimize glare, reduce spill-over onto adjacent properties, and provide appropriate levels of illumination, but shall not result in excessive nighttime illumination. The following conditions shall apply:

- a. Light levels shall meet the minimum need for safety, security and illumination of a specific use, as determined by the planning commission or the building official, based upon a lighting plan submitted with the applicant's site plan.
- b. To control glare, all light fixtures shall have a cut-off angle of less than 90 degrees, except decorative pedestrian fixtures of 100 watts or less.
- c. The city may choose to waive or alter cut-off requirements of this section when appropriate historic or decorative fixtures are proposed (e.g., use of decorative up-lighting to illuminate the underside of a canopy or columns on a facade, where a canopy or roof projection restricts the projection of the light into the night sky).



Cut-off fixture as defined by IESNA.

- d. Light fixtures shall be located at least five feet from any property line and shall be directed and shielded to cast light away from adjacent properties and streets. The maximum illumination levels at any property line shall not exceed one footcandle.
- e. Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall landscaping, fencing and similar screening methods be considered acceptable means for reducing glare.
- f. Lamps with true color rendition are preferred, such as incandescent and metal halide lamps. The use of mercury vapor and low and high pressure sodium lamps are prohibited. However, the planning commission may permit the use of high pressure sodium lighting at the intersections of driveways with public streets when the average illumination level on the ground does not exceed six footcandles.
- g. Exterior lighting fixtures should be of a design and size compatible with the building. The use of floodlights, wall-pack lighting, or other types of diffused, unshielded lighting is prohibited.
- h. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination.
- i. Maximum permitted fixture height:
  - 1. Parking lot luminaires shall not exceed 20 feet.

2. Unshielded pedestrian fixtures shall not exceed ten feet.
  3. All other light fixtures shall not be mounted in excess of the maximum height limitation of the district in which they are located.
- (2) *Exterior lighting levels in the CBD, B-1, O-1, O-2 and P-1 districts.* The intensity of exterior lighting shall be limited to the following minimum/maximum levels:

Minimum/Maximum<sup>1</sup> Footcandle Amounts for Various Land Uses

Land Uses <sup>4</sup>	Illumination of:	Public Buildings, Parking, Office Uses (P-1, O-1, O-2)	Commercial Uses (CBD, B-1)
	General	0.2 min. 0.5 max.	0.2 min. 0.5 max.
	Driveway	0.2 min. 1.0 max.	0.2 min. 1.0 max.
	Parking	0.2 min. 1.0 max.	0.2 min. 1.0 max.
	Walks	0.2 min. 1.0 max.	0.2 min. 1.0 max.
	Protective	0.5 min. 1.0 max.	0.5 min. 1.0 max.
	Building	0.5 min. 3.0 max.	1.0 min. 5.0 max.
	Loading areas	0.2 min. 1.0 max.	0.2 min. 1.0 max.
Gas station/convenience store	Apron <sup>2</sup>	N/A	N/A
	Canopy <sup>3</sup>	N/A	N/A

Notes to Table of Minimum/Maximum<sup>1</sup> Footcandle Amounts:

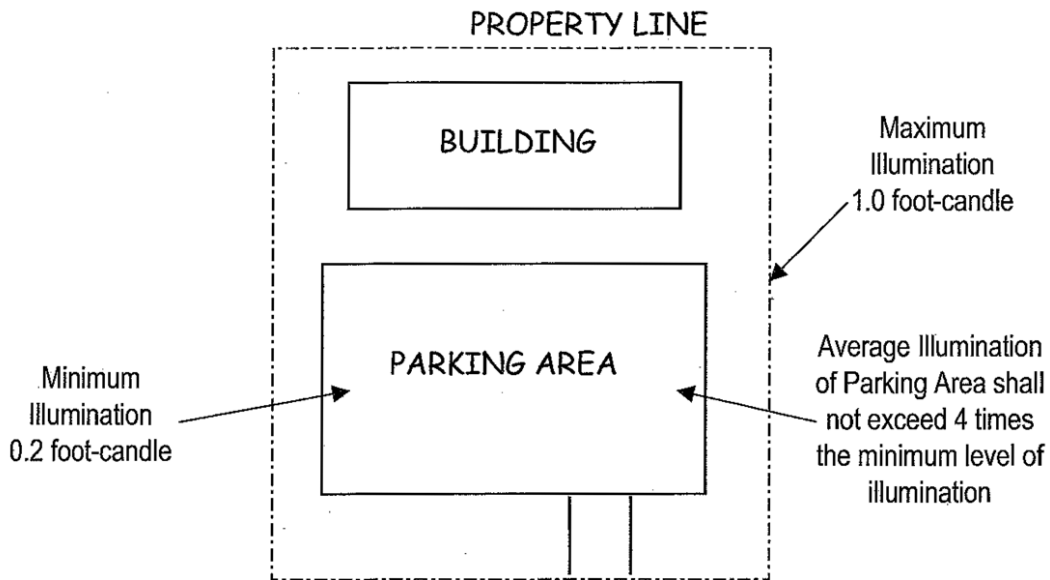
<sup>1</sup>The maximum allowable footcandle levels shall be governed by the 4:1 ratio of average to minimum illumination of the surface being lit, expressed as the average across the total area of the site or building being lighted, or directly beneath a canopy, divided by the minimum from the table above. The planning commission may modify these requirements where they determine it is necessary to protect nearby residences or driver visibility on adjacent roads.

<sup>2</sup>Apron areas are away from the gasoline pump island, used for parking or vehicle storage.

<sup>3</sup>Light fixtures mounted on canopies shall be installed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy.

<sup>4</sup>The planning commission may require special conditions for properties adjacent to residential uses and districts.

Example Application of Selected Standards



(3) *Exterior lighting in all districts.*

- a. Exterior lighting shall be arranged as far as practical to reflect light away from any residential use, and in no case shall more than one footcandle power of light cross a lot line five feet above the ground in a residential district.
- b. Exterior lighting from a commercial building or multiple-family dwelling in any district that abuts and faces a single-family dwelling in a residential district shall have shielding that directs light downward such that light does not shine on the windowed side(s) of said single-family dwelling. Any light fixtures existing at the time of the enactment of this subsection b. that do not conform to this requirement must be removed or brought into compliance upon the first of the following to occur:
  1. The nonconforming light is damaged to the extent that the cost of repairing it to its former condition exceeds 50 percent of the cost of such light fixture;
  2. The nonconforming light is replaced; or
  3. Six months from the date subsection b. becomes effective.
- c. Standard lights from single family residences abutting other residences in a residential district are subject to the one footcandle power limitation in subsection (3)a. above, but are exempt from the remaining provisions of this subsection (3).

(4) *Exemptions.* The following uses shall be exempt from the provisions of this section:

- a. Roadway lighting required by the appropriate public agency for health, safety and welfare purposes;
- b. Construction lighting approved by the building department as part of a building permit;
- c. Flag lighting, provided that the illumination is the minimum level necessary, and that the light source is aimed and shielded to direct light only onto the intended target and to prevent glare for motorists and pedestrians;

- d. Emergency lighting approved by the city, provided the lighting is discontinued upon the abatement of the emergency necessitating said lighting; and
- e. Other temporary lighting determined to be reasonable and appropriate by the City of Rochester.

(Ord. No. 2004-04, 3-22-2004; Ord. No. 2021-10 , § 1, 12-20-2021)

## **Section 2. SEVERABILITY**

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

## **Section 3. REPEAL**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.”

All interested citizens are requested to attend the Hearing. Public comments will be received up to and during the Public Hearing, orally or in writing. If you are unable to be present at the Public Hearing, please submit your written comments to the Office of the City Manager, Rochester Municipal Offices, 400 Sixth Street, Rochester, MI 48307, PRIOR to the scheduled Public Hearing.

For further information, please contact **Patrick Meagher**, Community Development Director, at **248-733-3700**.

*Publish: Oakland Press before February 19, 2023*

NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk’s Office at 248-651-9061 forty-eight (48) hours prior to the meeting. Staff will be pleased to make the necessary arrangements to provide necessary reasonable accommodations, including auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting.